
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 123

**ENVIRONMENTAL PROTECTION
AGRICULTURE
WATER**

**The Action Programme for Nitrate Vulnerable
Zones (Scotland) Amendment Regulations 2013**

Made - - - - 4th April 2013
Laid before the Scottish
Parliament - - - - 9th April 2013
Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and of all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Action Programme for Nitrate Vulnerable Zones (Scotland) Amendment Regulations 2013.

(2) With the exception of regulation 11, these Regulations come into force on 15th May 2013.

(3) Regulation 11 of these Regulations comes into force on 1st January 2014.

Amendments to the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008

2. The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008(2) are amended in accordance with regulations 3 to 11.

(1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2008/298, as amended by S.S.I. 2008/394, 2009/447, 2011/228 and 2012/360.

Amendment of regulation 3

- 3.—(1) Regulation 3 (interpretation) is amended as follows.
- (2) In paragraph (1), after the definition of “chemical fertiliser” insert—
- ““compost” means compost that—
- (a) complies with Publicly Available Specification PAS 100:2011 (Specification for composted materials) published by the British Standards Institution⁽³⁾, and
 - (b) does not contain livestock manure;”.
- (3) In paragraph (1), after the definition of “shallow” insert—
- ““silage effluent” has the meaning given in regulation 1(2) of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003⁽⁴⁾;”.
- (4) In paragraph (1), after the definition of “slurry” insert—
- ““soil nutrient status” means soil acidity and plant available concentrations of phosphorous, potassium and magnesium in the soil;
- “soil type” means the soil types listed in Table 1 of Schedule 3;”.

Amendment of regulation 6

4. For regulation 6 (storage of livestock manure), substitute—

“Storage of livestock manure and silage effluent

6.—(1) Subject to regulations 7 to 11, the capacity of storage facilities for livestock manure and silage effluent on a farm must be sufficient to store all livestock manure and silage effluent which is likely to require to be stored on the farm for such period as may be required to secure compliance with these Regulations and to avoid pollution of the water environment.

- (2) Storage facilities for livestock manure and silage effluent must—
- (a) be maintained free from structural defects; and
 - (b) be of such standard as is necessary to prevent run off or seepage, directly or indirectly, to the soil or into the water environment.”.

Amendment of regulation 10

- 5.—(1) Regulation 10 (temporary storage of solid manure) is amended as follows.
- (2) For paragraph (2), substitute—
- “(2) No field heap may be located—
- (a) within 10 metres of any body of surface water;
 - (b) within 50 metres of any well, borehole or similar work sunk into underground strata for the purpose of providing a water supply;
 - (c) on any area of land that—
 - (i) slopes down toward a body of surface water; and
 - (ii) has a slope of 12 degrees or more;

(3) Third Edition, January 2011 - ISBN 978 0 580 65307 0.

(4) S.S.I. 2003/531, as amended by S.S.I. 2006/133 and S.S.I. 2008/54.