SCOTTISH STATUTORY INSTRUMENTS

2003 No. 52

AGRICULTURE

The Nitrate Vulnerable Zones (Grants) (Scotland) Scheme 2003

Approved by the Scottish Parliament

Made - - - -	*28th January 2003*
Laid before the Scottish Parliament - - - -	*30th January 2003*
Coming into force - -	*14th March 2003*

The Scottish Ministers in exercise of the powers conferred by section 29 of the Agriculture Act 1970(**1**) and of all other powers enabling them in that behalf, hereby make the following Scheme:

Citation, commencement and extent

1.—(1) This Scheme may be cited as the Nitrate Vulnerable Zones (Grants) (Scotland) Scheme 2003, and shall come into force on 14th March 2003.

(2) This Scheme extends to Scotland only.

Interpretation

2.—(1) In this Scheme–

"application" means an application for a grant under this Scheme by a person made in accordance with paragraph 3 and "applicant" shall be construed accordingly;

"farmyard manure" means a mixture of livestock manure and bedding material which can be stored as a solid and which is not capable of being pumped as a semi solid or liquid;

"nitrate vulnerable zone" has the same meaning as in the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003(**2**);

"slurry" means–

(a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building; or

(**1**) 1970 c. 40. Section 29 was amended by section 10 of the Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), section 15 of the Agriculture (Miscellaneous Provisions) Act 1976 (c. 55) and Schedule 1 to the Statute Law (Repeals) Act 1986 (c. 12). Section 28 contains a definition of "the appropriate authority" and "the appropriate Minister". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain Treasury approval was removed by section 55 of that Act.

(**2**) S.S.I.2003/51.

(b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteads or middens, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present,

of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process.

(2) In this Scheme, any reference to–

(a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;

(b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub paragraph so numbered in the paragraph in which that reference appears.

(3) A reference in this Scheme to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**3**), which has been recorded and is consequently capable of being reproduced.

Applications for grant

3.—(1) Any application for a grant under this Scheme shall be made in such form and manner and by such date as the Scottish Ministers may determine, and the applicant in question shall provide such particulars and information relating to the application as the Scottish Ministers may reasonably require.

(2) The applicant shall furnish to the Scottish Ministers such further information and evidence in relation to the application as the Scottish Ministers reasonably may require in order to allow proper consideration of the application.

(3) A person may submit more than one application under this paragraph.

(4) The Scottish Ministers may at any time suspend the operation of the Scheme and, while so suspended, no application under sub-paragraph (1) submitted to them shall be approved.

(5) The Scottish Ministers shall inform an applicant in writing whether the application is approved or not and if it is not approved shall give reasons in writing for not approving it.

Restrictions on the acceptance of applications for grant

4.—(1) The Scottish Ministers shall not consider an application for grant under this scheme–

(a) in respect of an agricultural business which is not at least partly carried out on land situated in a nitrate vulnerable zone; or

(b) towards any expenditure incurred in respect of an agricultural business which in the opinion of the Scottish Ministers is likely to result in an increase in the production capacity of that business.

(2) The Scottish Ministers shall only consider an application for grant under this scheme if they are satisfied that the expenditure towards which the grant is to be made will not result in an increase in pollution from nitrates within the nitrate vulnerable zone concerned.

Determination of applications

5.—(1) Subject to the provisions of this Scheme, the Scottish Ministers as they think fit may–

(a) refuse to approve an application or approve it in whole or in part;

(**3**) 2000 c. 7.