SCOTTISH STATUTORY INSTRUMENTS

2002 No. 276

WATER

The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002

Made - - - -	*6th June 2002*
Laid before Parliament	*7th June 2002*
Coming into force - -	*1st July 2002*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002, and shall come into force on 1st July 2002.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations–

"code of good agricultural practice" means those parts of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity Nitrogen and Phosphorous Supplement published in 2001 by the Scottish Executive which are aimed at reducing pollution by nitrates(**2**);

"deposited map" means each of the maps which collectively delineate the extent of a nitrate vulnerable zone and which are signed as relative to this Order;

"the 1991 Directive" means Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources(**3**);

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) Approved by the Scottish Executive by virtue of S.S.I. 2001/175.

(**3**) O.J. No. L 375, 31.12.91, p.1.

" the 1996 Regulations" means the Protection of Water against Agricultural Nitrate Pollution (Scotland) Regulations 1996(**4**);

"nitrate vulnerable zone" means any area of land designated by virtue of regulation 3,

and any expressions used in the 1991 Directive have the same meaning as in that Directive.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations, and any reference in these Regulations to a numbered Article is to the Article so numbered in the 1991 Directive.

Nitrate vulnerable zones

3. The areas of land shown delineated in blue in each of the deposited maps, being areas of land in Scotland which drain into and contribute to pollution of the waters which the Scottish Ministers have identified, in accordance with Article 3(1), as waters affected by pollution and waters which could be affected by pollution if action pursuant to Article 5 were not taken, are hereby designated in accordance with Article 3(4).

Publication of maps

4. At least one copy of each deposited map shall be made available for public inspection at–

(a) the Office of the Scottish Executive, Victoria Quay, Edinburgh;

(b) the Office of the Scottish Executive, Pentland House, Robb's Loan, Edinburgh; and

(c) the Local Area Office or Sub-office of the Scottish Executive Rural Affairs Department which is closest to the relevant nitrate vulnerable zone.

Codes of good agricultural practice

5. The code of good agricultural practice shall have effect as the code of good agricultural practice established for the purposes of Article 4 of the Directive.

Amendment of the 1996 Regulations

6.—(1) The 1996 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation)–

(a) for the definition of "code of good agricultural practice(**5**)" there is substituted–

> ""code of good agricultural practice" means those parts of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity Nitrogen and Phosphorous Supplement published in 2001 by the Scottish Executive which are aimed at reducing pollution by nitrates";

(b) the definition of "first nitrate vulnerable zone(**6**)" is omitted; and

(c) for the definition of "nitrate vulnerable zone" there is substituted–

> ""nitrate vulnerable zone" means any area of land designated by virtue of regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002(**7**)

(3) In regulation 6 (action programmes)–

(**4**) S.I. 1996/1564; amended by S.I. 1998/2927 and S.S.I. 2000/96.
(**5**) The existing definition was inserted by S.S.I. 2002/96.
(**6**) The existing definition was inserted by S.S.I. 2000/96.
(**7**) S.S.I. 2002/276.