SCOTTISH STATUTORY INSTRUMENTS

2000 No. 96

WATER

The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000

Made - - - -	*31st March 2000*
Laid before the Scottish Parliament - - - -	*31st March 2000*
Coming into force - -	*8th May 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 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.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000 and shall come into force on 8th May 2000.

(2) These Regulations apply to Scotland only.

Amendment of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996

2. The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996 [F2] are amended as follows:–

(a) in regulation 2 (interpretation)–

(i) after the definition of "chemical fertiliser", there shall be inserted the following definitions:–

""code of good agricultural practice" means those parts of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity published in 1997 by the Scottish Office which are aimed at reducing pollution by nitrates [F3];

F4 …”;

(ii) after the definition of “fertiliser”, there shall be inserted the following definition:–

““the first nitrate vulnerable zone” means the nitrate vulnerable zone described at paragraph 1 of Schedule 4;”; and

(iii) in the definition of “the Objectives”, for the words “the Directive” there shall be substituted the words “ the 1991 Directive ”;

(b) in regulation 3(1) (nitrate vulnerable zones), for the words “the area of land at Balmalcolm in the local government area of Fife, more particularly shown outlined in black on the plan annexed and signed as relative to this regulation, being the only known area of land in Scotland which drains into and contributes”, there shall be substituted the words “ each of the areas of land specified in Schedule 4, being the areas of land in Scotland which drain into and contribute ”;

(c) for regulation 6(3) (action programmes), there shall be substituted, as follows:–

“(3) Subject to paragraph (3A) below, an action programme in respect of a nitrate vulnerable zone shall be established within one year of the designation of that zone.

(3A) Paragraph (3) above shall not apply to the first nitrate vulnerable zone in respect of which an action programme was established under the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 1998 F5.”;

(d) in regulation 6(4)(a), for the words “falling within paragraph (3)(a) above”, there shall be substituted the words “ of the first nitrate vulnerable zone ”;

(e) in regulation 7(1) (contents of action programmes), the words “referred to in regulation 5” shall be omitted; and

(f) after Schedule 3, there shall be inserted, as follows:–

“SCHEDULE 4 — Regulation 3(1)

DESCRIPTIONS OF NITRATE VULNERABLE ZONES

1. The area of land at Balmalcolm in the local government area of Fife, more particularly shown outlined in black and marked “Balmalcolm Nitrate Vulnerable Zone” on the plan annexed and signed as relative to regulation 3.

2. The area of land comprising the catchment and estuary of the River Ythan lying within the local government area of Aberdeenshire which is delineated in red on the sixty one maps marked “Ythan Nitrate Vulnerable Zone” comprising the deposited map.”.

F2 S.I. 1996/1564, amended by S.I. 1998/2927.
F3 Approved by Parliament by virtue of S.I. 1997/1584.
F4 Words in reg. 2(a)(i) omitted (2.2.2015) by virtue of The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014 (S.S.I. 2014/373), regs. 1(1), **5(2)(a)**
F5 S.I. 1998/2927.

Designation of Ythan Nitrate Vulnerable Zone

F6 **3.** . . . . . .