STATUTORY RULES OF NORTHERN IRELAND

2015 No. 369

ENVIRONMENTAL PROTECTION

The Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*12th November 2015*
Coming into operation	*14th December 2015*

The Department of the Environment and the Department of Agriculture and Rural Development, being Departments designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972((**2**) in relation to the environment, acting jointly in exercise of the powers conferred upon them by that section and the Department of the Environment in exercise of the powers conferred on it by Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997((**3**) and, in accordance with Article 32(3) of that Order, the Department of the Environment having published a notice indicating the effect of these Regulations and having taken into consideration the representations made to it in accordance with the notice, make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 14th December 2015.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954((**4**) applies to these Regulations as it applies to an Act of the Assembly.

Amendments to the Nitrates Action Programme Regulations (Northern Ireland) 2014

3. The Nitrates Action Programme Regulations (Northern Ireland) 2014 are amended in accordance with regulations 4 to 10.

Amendment of regulation 3

4. In regulation 3(2) (interpretation)—

(**1**) S.I. 2008/301
(**2**) 1972 c.68
(**3**) S.I. 1997/2778 (N.I. 19)
(**4**) 1954 c.33 (N.I.)

(a) in the definition of "appropriate person" paragraph (c) after "livestock manure" insert ", silage";

(b) in the definition of "appropriate person" paragraph (d) after "livestock manure" insert ", silage"; and

(c) in the definition of "silage" delete ", and which is intended for consumption by animals".

Amendment of regulation 22

5. For regulation 22 (cover in winter) substitute—

"**Cover in winter**

22. After harvesting a crop other than grass the controller shall ensure that from harvest to 15th January in the following year, one of the following conditions is met on the land at any time—

(a) the stubble of the harvested crop remains in the land; or

(b) (i) the land is sown with a crop which will take up nitrogen from the soil; or

(ii) where soil or weather conditions prevent a subsequent crop from being sown, appropriate measures are put in place to limit soil erosion."

Amendment of regulation 23

6. For regulation 23 (crop management) substitute—

"**Crop management**

23. Where grass leys are grown in rotation with arable crops the first crop shall be sown as soon as possible after the grass has been ploughed."

Amendment of regulation 25

7. In regulation 25(1)—

(a) at the end of paragraph (j) delete "and";

(b) at the end of paragraph (k) insert "; and";

(c) in regulation 25(2) replace "(2)(a)" with "(1)(a)"; and

(d) for regulation 25(3) substitute—

"(3) Records under paragraph (1)(l) shall be prepared for each calendar year and shall be submitted to the Department by 1st March of the following year for derogated holdings and by 31st January of the following year for all other holdings, in a format specified by the Department and a copy shall be retained by the controller for a period of 5 years from the date of submission."

Amendment of regulation 30

8.—(1) For regulation 30(1) substitute—

"**30.**—(1) It shall be an offence for the controller to fail to comply without reasonable excuse with regulation 4, 9(1), 12(1), 12(6), 12(7), 22 or 24."

(2) In regulation 30 at paragraph (3) delete "22, 24,"

Amendment of regulation 31

9. For regulation 31 (penalties) substitute—

"**Penalties**

31. Any person guilty of an offence under regulation 30 shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum together with a fine of an amount equal to one-tenth of that level for each day upon which the offence continues after the conviction; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years or both."

Amendment of Schedule 1

10. In Schedule 1 (Criteria for nutrient management)-

(a) for Table 1b (Regulations 9 and 12 – Nitrogen (N) and phosphorus (P) excretion rates for pigs) substitute—

"**Table 1b**

Regulations 9 and 12 – Nitrogen (N) and phosphorus (P) excretion rates for pigs

Livestock type		*Nitrogen (N) produced per head per year (kg N/yr)*	*Phosphorus (P) produced per head per year (kg P/yr)*
Adult pigs			
Boar		18	4.2
Maiden gilt		11	5.7
Breeding sow[(1)]		16	8.7
		Nitrogen (N) produced per pig (kg N)	*Phosphorus (P) produced per pig (kg P)*
Pigs weaned at 3-4 weeks			
Approximate start weight (kg)	Approximate sale/ transfer weight (kg)		
6-8	18 (7.5 weeks)	0.09	0.08
6-8	35 (11 weeks)	0.38	0.23
6-8	105 (23 weeks)	2.38	1.09
Growing and finishing pigs			
Approximate start weight (kg)	Approximate sale/ transfer weight (kg)		
18	35	0.29	0.15
18	105	2.30	1.00

(1) Breeding sows includes served gilts, dry and lactating sows and piglets to weaning.