STATUTORY RULES OF NORTHERN IRELAND

2005 No. 306

EUROPEAN COMMUNITIES
WATER AND SEWERAGE

The Protection of Water Against Agricultural Nitrate Pollution (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*21st June 2005*
Coming into operation	*25th July 2005*

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 measures relating to water resources, acting jointly in exercise of the powers conferred upon them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Protection of Water Against Agricultural Nitrate Pollution (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 25th July 2005.

Interpretation

2.—(1) In these Regulations, "the Principal Regulations" means the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2003(**3**).

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

Amendment to the Principal Regulations

3. The Principal Regulations shall be amended by inserting after regulation 6 (action programmes) –

(**1**) S.I.2003/2901
(**2**) 1972 c. 68
(**3**) S.R. 2003 No. 259
(**4**) 1954 c. 33 (N.I.)

"**Preparation, etc of action programmes: public participation**

6A.—(1) The Departments shall –

(a) ensure that the public is given early and effective opportunities to participate in the preparation, review or revision of any action programme required by regulation 6 ("an action programme"), and

(b) in doing so –

(i) ensure that the public is informed, by public notices or other appropriate means such as electronic media, about any proposals for the preparation, review or revision of an action programme;

(ii) ensure that information about the proposals referred to in sub-paragraph (a) is made available to the public, including information about the right to participate in decision-making in relation to those proposals;

(iii) ensure that the public is entitled to make comments before any decision is made on the establishment, review or revision of an action programme;

(iv) in making any such decision, take due account of the results of the public participation;

(v) having examined any comments made by the public, make reasonable efforts to inform the public of –

(aa) the decisions taken and the reasons and considerations on which those decisions are based; and

(bb) the public participation process.

(2) In carrying out their functions under paragraph (1), the Departments shall ensure that reasonable time is allowed sufficient to enable the public to participate effectively.

(3) Where, in carrying out their functions under paragraph (1), the Departments publish any information, they shall –

(a) do so in such manner as they consider appropriate for the purpose of bringing that information to the attention of the public; and

(b) make copies of that information accessible to the public free of charge through their websites.

(4) The Departments shall specify in a notice on their websites the detailed arrangements made to enable public participation in the preparation, review or revision of an action programme, including –

(a) the address to which comments in relation to those proposals may be submitted; and

(b) the date by which such comments should be received.

(5) In this regulation –

(a) "the public" includes such persons as appear to the Departments –

(i) to be representative of those carrying on any business which –

(aa) is, or is likely to be, directly affected by the action programme; or

(bb) relies upon the water environment; or

(ii) to have an interest in the protection of the water environment."