STATUTORY RULES OF NORTHERN IRELAND

1999 No. 156

EUROPEAN COMMUNITIES WATER AND SEWERAGE

Action Programme For Nitrate Vulnerable Zones Regulations (Northern Ireland) 1999

Made - - - -	*26th March 1999*
Coming into operation	*1st June 1999*

The Department of the Environment and the Department of Agriculture, being departments designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the prevention, reduction and elimination of pollution of water, acting jointly in exercise of the powers conferred on them by that section and of every other power enabling them in that behalf, after having taken into account available scientific and technical data, mainly with reference to the respective nitrogen contributions originating from agricultural and other sources, and the environmental conditions of nitrate vulnerable zones, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Action Programme for Nitrate Vulnerable Zones Regulations (Northern Ireland) 1999 and shall come into operation on 1st June 1999.

Interpretation

2.—(1) In these Regulations—

"Appeals Commission" means the Water Appeals Commission for Northern Ireland;

"the Department" means the Department of the Environment;

"farm" includes livestock unit and has the same meaning which it has in Annex III, paragraph 2, of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources(**3**);

(**1**) S.I.1989/2393
(**2**) 1972 c. 68
(**3**) O.J. No. L375, 31.1.91, p.1

"nitrate vulnerable zone" means any area designated as a nitrate vulnerable zone pursuant to regulation 3(2) of the Protection of Water against Agricultural Nitrate Pollution Regulations (Northern Ireland) 1996(**4**).

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Implementation of action programme

3.—(1) The occupier of any farm all or part of which is in a nitrate vulnerable zone shall ensure that the action programme set out in the Schedule is implemented in relation to any land comprised in the farm and in the nitrate vulnerable zone.

(2) For the purposes of paragraph (1), the occupier of a farm shall not cease to be the occupier of the whole of the farm by reason of another agricultural producer using part of the land comprised in the farm.

Notice to remedy contravention of regulation 3

4.—(1) Where the Department is of the opinion that a person—

(a) is contravening a requirement imposed on him by regulation 3; or

(b) has contravened such a requirement in circumstances which make it likely that the contravention will continue or be repeated,

the Department may serve a notice on that person in accordance with this regulation.

(2) A notice served in accordance with this regulation shall—

(a) require the person upon whom it is served to carry out such works or to take such precautions and other steps as the Department considers appropriate to remedy, or to prevent the continuation or repetition of, any contravention to which the notice relates;

(b) state the period within which any such requirement is to be complied with; and

(c) inform the person on whom it is served of the effect in relation to the notice of regulation 5.

(3) The period for compliance stated in the notice shall be such period as is reasonable in the circumstances and shall not in any case be less than 28 days.

(4) The Department may at any time—

(a) withdraw the notice;

(b) extend the period for compliance with any requirement of the notice;

(c) with the consent of the person on whom the notice is served, modify the requirements of the notice.

Appeals against notices requiring works etc.

5. A person may appeal by notice in writing to the Appeals Commission against any decision of the Department under regulation 4 within 28 days from the date on which notice of the decision of the Department is given to him or within such longer period as the Appeals Commission may allow.

Monitoring

6.—(1) The occupier of any farm all or part of which is in a nitrate vulnerable zone shall permit the Department, its servant or agent ("the authorised person"), accompanied by such persons as appear

(**4**) S.R. 1996 No. 217 as amended by S.R. 1999 No. 3
(**5**) 1954 c. 33 (N.I.)

to the authorised person to be necessary for the purpose, at all reasonable times, where necessary in order to monitor implementation of the action programme or to assess its effectiveness in reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution, to—

(a) enter upon the land;

(b) take samples;

(c) install and maintain equipment; or

(d) examine all records kept in implementation of the action programme.

(2) The occupier of any farm all or part of which is in a nitrate vulnerable zone shall render all reasonable assistance to any person acting by virtue of paragraph (1) and in particular shall—

(a) produce for inspection such document or record as may be reasonably required by that person; and

(b) at the reasonable request of that person, accompany him in making the inspection of any land.

(3) In this regulation, "occupier" shall be construed in accordance with regulation 3(2).

Offences

7.—(1) Any person who fails to comply with a requirement imposed on him by regulation 3 or by a notice served on him under regulation 4, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

(2) Any person who fails to comply with a requirement imposed on him by regulation 6, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Revocation

8. Regulation 5 (code of good agricultural practice) of the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 1996 is hereby revoked.

Sealed with the Official Seal of the Department of the Environment on

26th March 1999.

R. W. Rogers
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on

26th March 1999.

Liam McKibben
Assistant Secretary