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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 63**

**WATER SUPPLY**

**The Water (Prevention of Pollution)  
(Code of Practice) (Scotland) Order 2005**

*Made* - - - - 7th February 2005  
*Laid before the Scottish  
Parliament* - - - - 8th February 2005  
*Coming into force* - - 11th March 2005

The Scottish Ministers, in exercise of the powers conferred by section 51(1) of the Control of Pollution Act 1974<sup>(1)</sup> and of all other powers enabling them in that behalf, after consultation with SEPA in accordance with section 51(3) of the said Act, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005 and shall come into force on 11th March 2005.

(2) This Order shall extend to Scotland only.

**Code of Practice**

2. —The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity of which a copy is to be deposited in the Scottish Parliament on 8th February 2005 and which is to be issued by the Scottish Ministers on 11th March 2005, in so far as it is issued for the purpose of—

- (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters<sup>(2)</sup>; and
- (b) promoting what appears to them to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,

being all sections of the Code other than—

- (i) section 3; and

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(1) 1974, c. 40; section 51 was substituted by the Water Act 1989 (c. 15), Schedule 23, paragraph 5 and amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 29(2). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) See the definition of “controlled waters” in section 30A(1) of the Control of Pollution Act 1974, inserted by the Water Act 1989, Schedule 23, paragraph 4.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(ii) section 13,  
is hereby approved.

3. The following Orders are revoked—

- (a) the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 1997<sup>(3)</sup>; and
- (b) the Water (Prevention of Pollution) (Code of Practice) (Scotland) Amendment Order 2001<sup>(4)</sup>.

Pentland House, Edinburgh  
7th February 2005

*ROSS FINNIE*  
A member of the Scottish Executive

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<sup>(3)</sup> S.I.1997/1584.  
<sup>(4)</sup> S.S.I. 2001/175.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order approves the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which is to be issued by the Scottish Ministers on 11th March 2005 in so far as it relates to pollution of water. This Code of Practice replaces the previous Code of Practice issued by the Secretary of State for Scotland on 25th July 1997 and supplemented by the Prevention of Environmental Pollution from Agricultural Activity, Nitrogen and Phosphorus Supplement.

The Code gives practical guidance to persons engaged in agriculture with respect to activities that may cause water pollution and seeks to promote desirable practices by such persons in this field.

The Scottish Environment Protection Agency (SEPA) is required by section 51(2) of the Control of Pollution Act 1974 to take into account whether there has been or is likely to be any contravention of an approved code of practice when considering when and how to exercise any powers which may be conferred on it by any regulations under section 31A of that Act.

This Order also revokes the instrument which approved the 1997 Code of Practice, together with the specified amending instrument.

Copies of the Code are being distributed to relevant interests, and are also available for inspection at the Scottish Executive Environment and Rural Affairs Department, 47 Robb's Loan, Edinburgh EH14 1TY. The Code is also available via the website [www.scotland.gov.uk](http://www.scotland.gov.uk)