
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 488

**Phosphorus (Use in Agriculture)
Regulations (Northern Ireland) 2006**

PART 1

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006 and shall come into operation on 1st January 2007.

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

(3) In these Regulations—

“agricultural land” has the same meaning as in the Agriculture Act (Northern Ireland) 1949(2);

“authorised person” means a person authorised by the Department under Article 72 of the Order in respect of fulfilling its functions;

“available phosphorus content” means the amount of phosphorous available for uptake by the crop;

“chemical fertiliser” means any fertiliser containing a phosphorus compound or phosphorus compounds which is manufactured or blended by an industrial process;

“controller” means in relation to a holding, the person charged with the management of the holding for the calendar year in question and in the absence of written agreement to the contrary, the owner of the agricultural area will be taken to be charged with its management;

“crop requirement” means the amount of phosphorus fertiliser which is reasonable to apply to land in any year for the purpose of promoting the growth of the crop having regard to the foreseeable phosphorus supply to the crop based on the phosphorus index of the soil and from other sources, including any previous applications of livestock and other organic manure estimated as described in the fertiliser technical standards;

“Department” means Department of the Environment;

“Directive” means Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources(3);

“fertiliser technical standards” means the ‘DEFRA Fertiliser Recommendations for Agricultural and Horticultural Crops (RB209) 2000 7th edition’ (as may from time to time be re-issued) and any supplementary guidance and any other DEFRA publication substituting the standards set out in RB209 and any supplementary guidance;

(1) [1954 c.33 \(N.I.\)](#)

(2) [1949 c.2 \(N.I.\)](#)

(3) O.J. L. 375, 31/12/1991 P. 0001- 0008

“holding” in relation to a controller means all the agricultural area managed by that controller;

“land application” means the addition of materials to agricultural land whether by spreading on the surface of the land, injection into the land, placing below the surface of the land or mixing with the surface layers of the land but does not include the direct deposition of manure onto land by animals;

“livestock” means any animal kept for use or profit;

“livestock manure” means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form;

“notice” means notice in writing;

“organic manure” means

- (a) livestock manure; and
- (b) phosphorus fertiliser not being livestock manure or chemical fertiliser, that is derived from organic matter, and includes sewage sludge, residues from fish farms and other organic wastes.

“phosphorus fertiliser” means any substance, including chemical fertiliser, containing a phosphorus compound or phosphorus compounds utilised on land to enhance growth of vegetation;

“phosphorus index” in relation to soil means the index number (0 to 4) assigned to the soil in accordance with Schedule 1 to indicate the amount of phosphorus available from the soil to the crop;

“soil fertility status” means the soil reserves of phosphorus available for uptake by the next crop estimated as described in the fertiliser technical standards;

“soil test” means the chemical analysis of phosphorus in a soil sample taken and analysed in accordance with Schedule 1 and from any supplementary guidance;

“steeply sloping ground” means land which has an average incline of 20% or more;

“the Order” means The Waste and Contaminated Land (Northern Ireland) Order 1997;

“underground strata” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order 1999(4);

“water pollution” means the discharge, directly or indirectly, of chemical fertiliser from agricultural sources into the aquatic environment, the results of which are such as to cause hazards to human health, harm to living resources and to aquatic ecosystems, damage to amenities or interference with other legitimate uses of water;

“waterlogged” means soil where water appears on the surface of the land when pressure is added;

“waterway” has the same meaning as in Article 2(2) of the Water (Northern Ireland) Order, 1999.