
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 308

**The Phosphorus (Use in Agriculture)
Regulations (Northern Ireland) 2014**

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014 and shall come into operation on 1st January 2015.

Interpretation

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

(2) In these Regulations—

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

“Appeals Commission” means the Water Appeals Commission for Northern Ireland as constituted in accordance with Article 292 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽³⁾;

“authorised person” means a person authorised by the Department in accordance with Article 72 of the Order;

“available phosphorus” means forms of phosphorus that can be taken up by a crop immediately or within a short period, the proportion of which contained in fertilisers is set out in Table 2 of Schedule 2 to these Regulations;

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

“Code of Good Agricultural Practice” means the “Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil” published by the Department of Agriculture and Rural Development (as may from time to time be reissued);

“controller” means in relation to a holding, the person charged with management of the holding for the calendar year in question and will be taken to be—

- (a) for calendar years prior to 2015 and in the absence of a written nitrates controller agreement to the contrary, the person claiming direct agricultural aid payments for the agricultural area or, where direct agricultural aid payments are not being claimed, the owner of the agricultural area; or

(1) 1954 c.33 (N.I.)

(2) 1949 c.2 (N.I.)

(3) S.I. 2006/3336 (N.I. 21)

- (b) for calendar years from 2015, the person claiming direct agricultural aid payments for the agricultural area or, where direct agricultural aid payments are not being claimed, the person who enjoys the decision making power, benefits and financial risks in relation to the agricultural activity carried out on the land.

“crop requirement” means the amount of nitrogen, phosphorus and other plant nutrients in 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 nutrient supply to the crop from the soil and from other sources, including any previous applications of livestock and other organic manure and any chemical fertilisers estimated as described in the fertiliser technical standards and, with regard to phosphorus, regulation 6 of these regulations;

“Department” means Department of the Environment;

“Directive” means Council Directive 91/676/EEC(4) of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources;

“environment” means any or all of the following media, namely the air, water and land;

“fertiliser” means any substance containing plant nutrients utilised on land to enhance growth of vegetation and may include livestock manure, the residues from fish farms and sewage sludge;

“fertiliser technical standards” means—

- (a) the “DEFRA Fertiliser Manual (RB209) 8th Edition” (as may from time to time be reissued) and any supplementary guidance;
- (b) with regards to phosphorus recommendations for grassland, Table 1 of Schedule 2 to these Regulations; and
- (c) any other publication by DEFRA or the Department and the Department of Agriculture and Rural Development substituting any of the standards referred to in sub-paragraphs (a) and (b);

“grassland” means any land on which the vegetation consists predominantly of grass species;

“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;

“nitrates controller agreement” means, for any stipulated calendar years prior to 2015, a written agreement transferring responsibility for compliance with these Regulations and the Nitrates Action Programme Regulations (Northern Ireland) 2014(5) for a defined agricultural area from—

- (a) the person claiming direct agricultural aid payments for the agricultural area; or
- (b) where direct agricultural aid payments are not being claimed, the owner of the agricultural area

to a third person who enjoys the decision making power, benefits and financial risks in relation to the agricultural activity carried out on the defined agricultural area;

(4) OJL 375, 31.12.91, p. 1-8

(5) S.R. 2014 No. 307

“notice” means notice in writing;

“organic manure” means

- (a) livestock manure; and
- (b) fertiliser not being livestock manure or chemical fertiliser, 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 one or more phosphorus compounds utilised on land to enhance growth of vegetation;

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

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

Revocations

3. The following Regulations are revoked—

- (a) the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006⁽⁶⁾; and
- (b) the Phosphorus (Use in Agriculture) (Amendment) Regulations (Northern Ireland) 2007⁽⁷⁾.

⁽⁶⁾ S.R. 2006 No. 488

⁽⁷⁾ S.R. 2007 No. 273