

**2001 No. 175**

**WATER SUPPLY**

**The Water (Prevention of Pollution) (Code of Practice)  
(Scotland) Amendment Order 2001**

*Made* 9th May 2001

*Laid before the Scottish Parliament* 10th May 2001

*Coming into force* 1st June 2001

The Scottish Ministers, in exercise of the powers conferred by section 51(1) of the Control of Pollution Act 1974(a), 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) Amendment Order 2001 and shall come into force on 1st June 2001.

(2) This Order shall extend to Scotland only.

**Supplementary Code of Practice**

2. The Nitrogen and Phosphorus Supplement to 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 10th May 2001 and which is to be issued by the Scottish Ministers on 1st June 2001, 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(b); and
- (b) promoting what appears to them to be desirable practices by such persons for avoiding or minimising the pollution of any such waters,

is hereby approved.

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(a) 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).

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

3. The approval of Sections 5 and 6 of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity given under the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 1997<sup>(a)</sup> shall cease to have effect.

St Andrew's House,  
Edinburgh  
9th May 2001

*ROSS FINNIE*  
A member of the Scottish Executive

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<sup>(a)</sup> S.I. 1997/1584.

## **EXPLANATORY NOTE**

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

This Order approves the Nitrogen and Phosphorus Supplement to the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which is to be issued by the Scottish Ministers on 1st June 2001 in so far as it relates to pollution of water. This Supplement replaces Sections 5 and 6 of the Code of Practice, which was issued by the Secretary of State for Scotland on 25th July 1997.

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

The Supplement forms the code of good agricultural practice for the purposes of Article 4 of Council Directive 91/676/EC (O.J. No. L 375, 31.12.91, p.1) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

The supplement also has a further purpose in relation to the requirements of Article 4 of Council Directive 91/676/EC. This Article requires Member States to establish a code of good agricultural practice to be implemented by farmers on a voluntary basis, with the aim of providing waters with a general protection against pollution. Article 5 of the Directive deals with the establishment of Action Programmes in respect of nitrate vulnerable zones. Once a nitrate vulnerable zone has been designated and Action Programme Regulations are made, measures in the code (insofar as not contained into the Action Programme Regulations) become mandatory requirements on farmers. The supplement clarifies the content of these measures.

The Scottish Environment Protection Agency 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 as may be made under section 31A of that Act.

Copies of the Code are available for inspection at and may be obtained (without charge) from the Scottish Executive Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW.

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