

2002 No. 546

WATER

**The Designation of Nitrate Vulnerable Zones (Scotland)
(No. 2) Regulations 2002**

<i>Made</i>	<i>9th December 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>11th December 2002</i>
<i>Coming into force</i>	<i>15th January 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002, and shall come into force on 15th January 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“deposited map” means each of the maps which collectively delineate the extent of the nitrate vulnerable zone and which are signed as relative to this Order;

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

“nitrate vulnerable zone” means the area of land designated by virtue of regulation 3, and any expressions used in the 1991 Directive have the same meaning as in that Directive.

(2) Any reference in these Regulations to a numbered Article is to the Article so numbered in the 1991 Directive.

Nitrate vulnerable zones

3. The area of land, which is comprised of those areas of land shown delineated in blue in each of the deposited maps, being an area of land in Scotland which drains into and contributes to pollution of the waters which the Scottish Ministers have identified, in accordance with Article 3(1), as waters affected by pollution and waters which could be affected by pollution if action pursuant to Article 5 were not taken, is hereby designated in accordance with Article 3(4).

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) O.J. No. L 375, 31.12.91, p.1.

Publication of maps

4. At least one copy of each deposited map shall be made available for public inspection at—
- (a) the Office of the Scottish Executive, Victoria Quay, Edinburgh;
 - (b) the Office of the Scottish Executive, Pentland House, Robb's Loan, Edinburgh; and
 - (c) the Local Area Office or Sub-office of the Scottish Executive Rural Affairs Department which is closest to the relevant nitrate vulnerable zone.

St Andrew's House,
Edinburgh
9th December 2002

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further implement in Scotland the requirements of Council Directive 91/676/EEC (“the Directive”) concerning the protection of waters against pollution caused by nitrates from agricultural sources. The objective of the Directive is to ensure that measures are taken to reduce and prevent nitrate pollution from agricultural sources. It provides a framework for action to reduce nitrate levels in the catchments of rivers and groundwater sources affected by such pollution, and to reduce eutrophication of freshwater bodies, estuaries, and coastal waters.

Regulation 3 designates a further nitrate vulnerable zone. Regulation 4 makes provision for maps of the nitrate vulnerable zone to be available for public inspection.

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