

*This Scottish Statutory Instrument has been made in consequence of a defect in [S.S.I. 2005/305](#) and is being issued free of charge to all known recipients of that instrument.*

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## SCOTTISH STATUTORY INSTRUMENTS

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# 2005 No. 593

## WATER

### The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Amendment Regulations 2005

*Made - - - - 23rd November 2005*  
*Laid before the Scottish*  
*Parliament - - - - 24th November 2005*  
*Coming into force - - 20th December 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Amendment Regulations 2005 and shall come into force on 20th December 2005.

#### **Amendment to the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996**

2.—(1) The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996<sup>(2)</sup> are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) for the definition of “code of good agricultural practice” substitute—

““code of good agricultural practice” means those parts of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which are aimed at reducing pollution by nitrates, issued by the Scottish Ministers on 11th March 2005, having

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(1) [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.

(2) [S.I.1996/1564](#), amended by [S.I. 1998/2927](#), [S.S.I. 2000/96](#), [2002/276](#) and [2005/305](#).

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**Status:** This is the original version (as it was originally made).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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been approved by virtue of the Water (Prevention of Pollution) (Code of Practice) (Scotland) Order 2005(3)

St Andrew's House, Edinburgh  
23rd November 2005

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996 (“the 1996 Regulations”).

The 1996 Regulations gave effect to Council Directive [91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources (O.J. No. L 375, 31.12.91, p.1). These Regulations update the implementation of Article 5.1 (establishment of action programmes in respect of designated nitrate vulnerable zones) of the Directive.

Regulation 2 substitutes the definition of “code of good agricultural practice” in the 1996 Regulations by reference to the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity, issued by the Scottish Ministers on 11th March 2005.