

EXECUTIVE NOTE

The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Amendment Regulations 2005 SSI/2005/593

Introduction

The above instrument is made using the powers conferred by section 2(2) of the European Communities Act 1972.¹ The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of these Regulations is to amend regulation 2(1) of the Protection of Water Against Nitrate Pollution (Scotland) Regulations 1996² (“the 1996 Regulations”), to correct a technical error in the Nitrate (Public Participation etc.) (Scotland) Regulations 2005³ (“the 2005 Regulations”). Regulation 2(2)(a) of the 2005 Regulations purported to amend the definition of “code of good agricultural practice” in the 1996 Regulations by substituting a reference to the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (“the PEPFAA Code”) issued in 2005 for the reference to the PEPFAA Code issued in 1997. The terms of that amendment did not correctly describe the form of the amendment, however, and the position has been left in doubt.

The Executive is making the current Regulations, which define “code of good agricultural practice” with reference to the PEPFAA Code issued in 2005, in order to remove that doubt. (The PEPFAA Code was updated in March 2005 and was contained in an Order which was subject to the Parliamentary process.)

Financial Effects

There will not be additional costs to local authorities or industry as a result of this amendment. These amendment regulations will be issued free of charge to those having obtained a copy of the 2005 Regulations from The Stationery Office, given that the error in the previous Regulations was the fault of the Executive.

Consultation

Since these Regulations correct an error in the 2005 Regulations which have already been consulted upon, no further consultation has been necessary.

Scottish Executive Environment and Rural Affairs Department
27 October 2005

¹ 1972 c.68.

² S.I. 1996/1564, amended by S.I. 1998/2927, S.S.I. 2000/96, 2002/276 and 2005/305.

³ SSI 2005/305