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## EXPLANATORY NOTE

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

These Regulations establish a revised action programme for the nitrate vulnerable zones which were designated in Scotland by regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002 and regulation 3 of the Designation of Nitrate Vulnerable Zones (No. 2) (Scotland) Regulations 2002. They revoke the previous action programme for Scotland which was established by the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003 as amended by the Action Programme for Nitrate Vulnerable Zones (Scotland) Amendment Regulations 2003.

The Regulations further implement, as regards Scotland, the requirements in Article 5 of 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) to establish, review and revise an action programme for nitrate vulnerable zones.

Regulation 4 requires the occupier of a farm in a nitrate vulnerable zone to ensure that the provisions in regulations 5 to 24 are implemented in relation to such a farm.

Regulation 5 requires a fertiliser and manure management plan to be prepared each year. Regulations 6 to 11 provide for storage of manure on the farm. Regulations 12 to 16 set limits and conditions for applying nitrogen fertiliser on the farm. Regulations 17 and 18 set conditions for applying chemical fertiliser and organic manure.

Regulations 19 to 22 set closed periods during which specified fertiliser or manure must not be applied on the farm. Regulation 23 provides for a minimum period between application of livestock manure. Regulation 24 restricts one method of application of slurry, from 1 July 2009.

Regulations 25 and 26 provide for records to be kept and retained. Regulation 27 provides for inspections by the Scottish Ministers for the purpose of monitoring implementation. Regulation 28 provides for serving of notices by the Scottish Ministers and regulation 29 for a procedure to appeal against such notices.

Breaches of regulations 4, 25, 27 and 28 are made criminal offences (regulation 30).

A Regulatory Impact Assessment in relation to these Regulations has been prepared. A copy can be obtained from the Scottish Government, Water, Air, Soils and Flooding Division, Victoria Quay, Edinburgh, EH6 6QQ.