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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 6**

**AGRICULTURE**

**The Common Agricultural Policy Schemes (Cross-Compliance)  
(Scotland) Amendment Regulations 2014**

*Made* - - - - - *9th January 2014*

*Laid before the Scottish Parliament* *13th January 2014*

*Coming into force* - - *21st February 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Amendment Regulations 2014 and come into force on 21st February 2014.

(2) In these Regulations, “the principal Regulations” means the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011(b).

**Amendment of the principal Regulations**

**2.** In the Schedule to the principal Regulations (good agricultural and environmental condition), in Part V (protection and management of water)—

- (a) in paragraph 19(1) (water abstraction), after “the Water Environment (Controlled Activities) (Scotland) Regulations 2011”(c), insert “(in paragraph 21 “the 2011 Regulations”); and
- (b) after paragraph 20 (establishment of buffer strips along water courses) insert—

**“Protection of groundwater**

**21.**—(1) A farmer must not, when carrying on any agricultural activity—

- (a) cause or permit the direct or indirect discharge into groundwater; or
- (b) do anything likely to cause a direct or indirect discharge into groundwater,

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) ('the 1998 Act'), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) ('the 2006 Act')). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2011/415.

(c) S.S.I. 2011/209, as amended by S.S.I. 2012/360, S.S.I. 2013/176 and S.S.I. 2013/323.

of any substances or families or groups of substances specified in the Table, unless that is authorised under the 2011 Regulations and carried out in accordance with that authorisation.

(2) A farmer must, when carrying on any agricultural activity, comply with the requirements of a notice issued under regulation 32(2) of the 2011 Regulations in relation to the direct or indirect discharge into groundwater of any substances or families or groups of substances specified in the Table.

**TABLE**

<b>LIST I</b>
1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.
2. Organophosphorus compounds.
3. Organotin compounds.
4. Substances which possess carcinogenic mutagenic or teratogenic properties in or via the aquatic environment.
5. Mercury and its compounds.
6. Cadmium and its compounds.
7. Mineral oils and hydrocarbons.
8. Cyanides.
<b>LIST II</b>
1. The following metalloids and metals and their compounds:
Zinc
Copper
Nickel
Chrome
Lead
Selenium
Arsenic
Antimony
Molybdenum
Titanium
Tin
Barium
Beryllium
Boron
Uranium
Vanadium
Cobalt
Thallium
Tellurium
Silver.
2. Biocides and their derivatives not appearing in List I.
3. Substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in groundwater and to render it unfit for human consumption.
4. Toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances.
5. Inorganic compounds of phosphorous and elemental phosphorous.

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|--------------------------|
| 6. Fluorides.            |
| 7. Ammonia and nitrites. |

(3) In this paragraph—

“groundwater” has the same meaning as it has in section 3(4) of the Water Environment and Water Services (Scotland) Act 2003(a).”.

*RICHARD LOCHHEAD*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
9th January 2014

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(a) 2003 asp 3 to which there are no relevant amendments.

## **EXPLANATORY NOTE**

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

These Regulations amend the Common Agricultural Policy Schemes (Cross-Compliance) (Scotland) Regulations 2011 (“the 2011 Regulations”), which make provision for the administration and enforcement of Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p.16) and Commission Regulation (EC) No 1122/2009 (OJ No L 316, 21.2.2009, p.65) in relation to cross-compliance under the Common Agricultural Policy.

The requirements for cross-compliance as regards protection of groundwater have been amended in respect of the 2014 calendar year. In particular, Annex III of Council Regulation (EC) No 73/2009 has been amended to require the protection of groundwater to be included in the standards of good agricultural and environmental condition which Member States are required to develop. The relevant amendments are contained in Regulation (EU) No 1310/2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 347, 20.12.2013, p.865).

Regulation 2 of these Regulations amends the Schedule to the 2011 Regulations, to insert a new standard of good agricultural and environmental condition in relation to the protection of groundwater against pollution (paragraph 21).

A business and regulatory impact assessment has not been provided for this instrument as no impact on the private or voluntary sector is foreseen.

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