
WELSH STATUTORY INSTRUMENTS

2011 No. 1012 (W.151)

AGRICULTURE, WALES
WATER RESOURCES, WALES

The Water (Prevention of Pollution) (Code of
Good Agricultural Practice) (Wales) Order 2011

Made - - - - 29 March 2011

Coming into force - - 19 April 2011

The Welsh Ministers, in exercise of the powers conferred by section 97(1) of the Water Resources Act 1991⁽¹⁾ and now vested in them⁽²⁾, make the following Order.

The Welsh Ministers have consulted the Environment Agency in accordance with section 97(3)⁽³⁾ of that Act.

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Water (Prevention of Pollution) (Code of Good Agricultural Practice) (Wales) Order 2011.

(2) This Order comes into force on 19 April 2011.

(3) This Order applies in relation to Wales.

(4) In this Order, “the Code of Practice” means the Code of Good Agricultural Practice to protect water, soil and air quality which was issued by the Welsh Ministers on 30 March 2011⁽⁴⁾.

Approval of the Code of Practice

2. The Welsh Ministers approve the Code of Practice in so far as the Code of Practice was issued for the purpose of—

(1) 1991 c. 57.

(2) Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) transferred functions of “the Ministers”, in relation to Wales, to the National Assembly for Wales. These functions were transferred from the National Assembly for Wales to the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Section 97(3) was amended by paragraph 128 of Schedule 22 to the Environment Act 1995 (c. 25).

(4) The Code is available electronically from www.wales.gov.uk or in hard copy format from the Department for Rural Affairs, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters⁽⁵⁾; and
- (b) promoting what appears to the Welsh Ministers to be desirable practices by such persons for avoiding or minimising the pollution of any such waters.

Revocation

3. The Water (Prevention of Pollution) (Code of Practice) (Wales) Order 1998⁽⁶⁾ is revoked in so far as it applies to Wales.

29 March 2011

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

⁽⁵⁾ See the definition of “controlled waters” in section 104(1) of the Water Resources Act 1991.

⁽⁶⁾ S.I. 1998/3084.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to Wales. This Order approves, under section 97(1) of the Water Resources Act 1991, the Code of Good Agricultural Practice to protect water, soil and air quality which was issued by the Welsh Ministers on 30 March 2011 (“the Code of Practice”), in so far as the Code of Practice was issued for the purpose mentioned in Article 2.

The Code of Practice replaces, in relation to Wales, the separate Codes of Good Agricultural Practice for the Protection of Water, Air and Soil issued in relation to England and Wales by the Ministry of Agriculture, Fisheries and Food and the Welsh Office Agricultural Department in October 1998.

This Order revokes, in so far as it applies in Wales, the Water (Prevention of Pollution) (Code of Practice) (Wales) Order 1998 (S.I.1998/3084) which approved the Code of Good Agricultural Practice for the Protection of Water.

The Environment Agency is required, by section 97(2) of the Water Resources Act 1991, to take into account whether there has been or is likely to be any contravention of the Code of Practice in determining when and how to exercise:

- (i) its relevant functions, in relation to water discharge activities, under the Environmental Permitting (England and Wales) Regulations: S.I. 2010/675, and
- (ii) any powers conferred upon it by regulations under section 92 of that Act.

Copies of the Code of Practice may be obtained electronically from the Welsh Assembly Government’s website or in hard copy format from the Department for Rural Affairs, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

A regulatory impact assessment has not been produced for this Order as no impact on the costs of business or the voluntary sector is foreseen.