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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 169**

**AGRICULTURE**

**WATER**

**The Action Programme for Nitrate Vulnerable  
Zones (Scotland) Amendment Regulations 2003**

<i>Made</i>	- - - -	<i>10th March 2003</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th March 2003</i>
<i>Coming into force</i>	- -	<i>1st April 2003</i>

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, commencement and extent**

1.—(1) These Regulations may be cited as the Action Programme for Nitrate Vulnerable Zones (Scotland) Amendment Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to Scotland only.

**Amendment of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003**

2.—(1) The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003<sup>(2)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) For “Regulation” in each place where it occurs in the Regulations there shall be substituted “regulation”.

(3) In regulation 2 (interpretation)—

(a) in the definition of “farm”, for “have same” there shall be substituted “have the same”; and

(b) for the definition of “nitrate vulnerable zone” there shall be substituted—

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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.S.I.2003/51.

““nitrate vulnerable zone” means any area designated as a nitrate vulnerable zone by regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002(3) and regulation 3 of the Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002(4);”.

- (4) In regulation 4 (notice to remedy contravention of regulation 3)–
  - (a) for “a person” and “that person” in paragraph (1) there shall be substituted “the occupier”; and
  - (b) for “the person” in each place where it occurs in paragraphs (2) and (4) there shall be substituted “the occupier”.
- (5) In regulation 5 (appeals against notices requiring works etc)–
  - (a) for “A person” in paragraph (1) there shall be substituted “An occupier”; and
  - (b) for “the modification” at the end of paragraph (4) there shall be substituted “that modification”.
- (6) In the Schedule (action programme)–
  - (a) in paragraph 5(5)(a) for “to be applied” there shall be substituted “applied or to be applied” and for “the date of the proposed application” there shall be substituted “the actual or proposed date of application”;
  - (b) for “amount” in paragraph 10(1) there shall be substituted “amounts”;
  - (c) for paragraph 10(2) there shall be substituted–
    - “(2) for the purpose of sub paragraph (1) above, the specified amounts are–
      - (a) as regards grassland, the number of hectares of grassland on the farm multiplied by 250kg; and
      - (b) as regards agricultural land other than grassland, the number of hectares of any such land on the farm multiplied by 170kg.”; and
    - (d) at the end of paragraph 11 there shall be inserted “excluding that deposited by animals whilst grazing”.

St Andrew’s House, Edinburgh  
10th March 2003

*ROSS FINNIE*  
A member of the Scottish Executive

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(3) S.S.I. 2002/276.  
(4) S.S.I. 2002/546.

## **EXPLANATORY NOTE**

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

These Regulations amend the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2003. In particular, they amend those Regulations so as to—

- (a) correct the definition of a nitrate vulnerable zone (regulation 2(3)(b));
- (b) refer to an “occupier” in regulations 4 and 5 rather than a “person” (regulation 2(4) and (5)(a));
- (c) improve the drafting of paragraph 5 of the Schedule (regulation 2(6)); and
- (d) amend the requirements set out at paragraphs 10(1) and 10(2) of the Schedule (regulation 2(6)).