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STATUTORY INSTRUMENTS

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**1990 No. 880**

**PUBLIC HEALTH, ENGLAND AND WALES  
PUBLIC HEALTH, SCOTLAND**

**The Sludge (Use in Agriculture)  
(Amendment) Regulations 1990**

<i>Made</i>	- - - -	<i>5th April 1990</i>
<i>Laid before Parliament</i>		<i>17th April 1990</i>
<i>Coming into force</i>	- -	<i>8th May 1990</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of powers conferred on them by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, and being the Ministers designated<sup>(2)</sup> for the purposes of that subsection in relation to the regulation and control of the use of sludge in agriculture, hereby make the following Regulations:

**Citation commencement and interpretation**

1.—(1) These Regulations may be cited as the Sludge (Use in Agriculture) (Amendment) Regulations 1990, and shall come into force on 8th May 1990.

(2) In these Regulations, “the principal Regulations” means the Sludge (Use in Agriculture) Regulations 1989<sup>(3)</sup>.

**Amendment of the principal Regulations**

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1 (citation, commencement and application), omit paragraph (2) (exemption for sludge deposited on land in accordance with Regulations under Part I of the Control of Pollution Act 1974<sup>(4)</sup>).

(3) In regulation 4(2) (precautions to be taken after untreated sludge has been used on land), for the words “on land” substitute “on agricultural land”.

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(1) 1972 c. 68  
(2) S.I. 1988/785  
(3) S.I. 1989/1263  
(4) 1974 c. 40

(4) In regulation 5 (information to be supplied to the sludge producer where sludge has been used on any land), for the words “on any land” substitute “on any agricultural land”.

(5) In regulation 6 (register to be kept by sludge producer)—

(a) in paragraph (1)(c), for the words “regulation 8(4)(a)” substitute “regulation 8(4)”.

(b) in paragraph (1)(d), for the words “regulation 8(4)(b)” substitute “regulation 8(3)(a)”.

(6) In regulation 8 (dedicated sites)—

(a) for paragraph (1), substitute—

“(1) In this regulation—

“occupier” means the occupier of a dedicated site;

“the actual concentration” means the concentration of any of the substances listed in column (1) of the soil table in the soil of an agricultural unit forming part of a dedicated site; and

“the permitted concentration” means the concentration in milligrams per kilogram of dry matter specified for that substance in column (2) of that Table.”.

(b) for paragraph (3) substitute:—

“(3) Where the actual concentration exceeds the permitted concentration, the occupier shall not:—

(a) sell or offer for sale any crop grown on the agricultural unit affected except in accordance with the advice referred to in paragraph (4) below; or

(b) grow any commercial food crops on that unit other than crops intended for animal consumption.”.

(c) in paragraph (4), for the words from the beginning to the end of sub-paragraph (b), substitute—

“Where the actual concentration exceeds (or if sludge were used would exceed) the permitted concentration, the occupier shall not use sludge on the agricultural unit”.

3rd April 1990

*Chris Patten*  
Secretary of State for the Environment

3rd April 1990

*Peter Walker*  
Secretary of State for Wales

5th April 1990

*James Douglas-Hamilton*  
Parliamentary Under-Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

These Regulations amend the [Sludge \(Use in Agriculture\) Regulations 1989 \(S.I. 1989/ 1263\)](#) (“the principal Regulations”), which were made in order to implement Council Directive No. [86/278/EEC](#) (OJ No. L181/6), concerning the protection of the environment and, in particular, of the soil, when sewage sludge is used in agriculture.

Regulation 2(2) secures that the principal Regulations apply in all cases covered by Council Directive No. [86/278/EEC](#). It removes the exception provided in regulation 1(2) of the principal Regulations for sludge deposited on land in accordance with the Collection and Disposal of Waste Regulations 1988 (S.I. [1988/819](#)) made under Part I of the Control of Pollution Act 1974. Regulations 2(3) and 2(4) amend regulations 4(2) and 5 of the principal Regulations so as to make it clear that they only apply to agricultural land. Regulation 2(6) amends regulation 8 of the principal Regulations so as to make it clear that the prohibitions on growing commercial food crops in regulation 8(3) and on selling or offering for sale any crop grown on an agricultural unit which is part of a dedicated site, only apply where the concentration of certain metals in the soil exceeds the permitted concentration, as set out in the soil table in Schedule 2 to the principal Regulations.