
STATUTORY INSTRUMENTS

2012 No. 1849

AGRICULTURE, ENGLAND
WATER, ENGLAND

The Nitrate Pollution Prevention
(Amendment) Regulations 2012 (revoked)^{F1}

<i>Made</i>	- - - -	<i>13th July 2012</i>
<i>Laid before Parliament</i>		<i>16th July 2012</i>
<i>Coming into force</i>	- -	<i>7th August 2012</i>

F1

Textual Amendments

F1 [Instrument](#) revoked (1.5.2015) by [The Nitrate Pollution Prevention Regulations 2015 \(S.I. 2015/668\)](#), [reg. 44\(d\)](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace certain provisions in Part 2 of the Nitrate Pollution Prevention Regulations 2008 (S.I. 2008/2349) (“the principal Regulations”) which relate to the designation of nitrate vulnerable zones. The principal Regulations implement in England Council Directive 91/676/EEC concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No L375, 5.12.1991, p.1).

Regulation 2 revokes regulations 8, 9 and 10 of the principal Regulations and new provisions are inserted as regulations 11A to 11E. These require the Environment Agency to make recommendations to the Secretary of State about the designation of areas of land as nitrate vulnerable zones, and for the Secretary of State to publish her proposals having regard to those recommendations, sending notice to owners or occupiers of holdings in the areas proposed to be designated. The independent panel arrangements in Part 2 of the principal Regulations which applied in relation to the designation of nitrate vulnerable zones in 2008 and 2009 are replaced with a right of appeal to the First-tier Tribunal (see new regulation 11B). The grounds for appeal are that the holding concerned does not drain into water identified as polluted, or that the water it does drain into should not be identified by the Secretary of State as being polluted. New regulation 11C sets out the grounds of appeal. New regulation 11D provides for the effect of a decision of the Tribunal when the Secretary of State revises or adds to the designation of nitrate vulnerable zones under regulation 11(4)(d).

Appeals under the principal Regulations (as amended by these Regulations) and the process for bringing an appeal are also governed by the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976 (L.20)) which provide for appeal proceedings to be begun within 28 days of the date on which notice is sent.

Regulation 2 also introduces a new requirement for the Secretary of State to review the operation and effect of the principal Regulations and publish a report within five years after they come into force and at intervals not exceeding five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

No impact assessment has been carried out in respect of these Regulations as no impact is foreseen on the business or voluntary sector.

Changes to legislation:

There are currently no known outstanding effects for the The Nitrate Pollution Prevention (Amendment) Regulations 2012 (revoked).