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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 96**

**WATER**

**The Designation of Nitrate Vulnerable  
Zones (Scotland) Regulations 2000**

<i>Made</i>	- - - -	<i>31st March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>31st March 2000</i>
<i>Coming into force</i>	- -	<i>8th May 2000</i>

The Scottish Ministers, in exercise of the powers conferred upon them 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 Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000 and shall come into force on 8th May 2000.

(2) These Regulations apply to Scotland only.

**Amendment of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996**

2. The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996<sup>(2)</sup> are amended as follows:—

(a) in regulation 2 (interpretation)—

(i) after the definition of “chemical fertiliser”, there shall be inserted the following definitions:—

““code of good agricultural practice” means those parts of the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity published in 1997 by the Scottish Office which are aimed at reducing pollution by nitrates<sup>(3)</sup>;

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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.I.1996/1564, amended by S.I. 1998/2927.

(3) Approved by Parliament by virtue of S.I. 1997/1584.

- “deposited map” means the map which indicates or the maps which collectively indicate the extent of a nitrate vulnerable zone for the purposes of these Regulations, one copy of which is deposited at the office of the Scottish Executive, Victoria Quay, Edinburgh, one copy of which is deposited at the office of the Scottish Executive Rural Affairs Department, Pentland House, Robb’s Loan, Edinburgh and one copy of which is deposited at each local area office or sub-office of the Scottish Executive Rural Affairs Department within the area of which that nitrate vulnerable zone in whole or in part lies;”;
- (ii) after the definition of “fertiliser”, there shall be inserted the following definition:–  
 ““the first nitrate vulnerable zone” means the nitrate vulnerable zone described at paragraph 1 of Schedule 4;” and
- (iii) in the definition of “the Objectives”, for the words “the Directive” there shall be substituted the words “the 1991 Directive”;
- (b) in regulation 3(1) (nitrate vulnerable zones), for the words “the area of land at Balmalcolm in the local government area of Fife, more particularly shown outlined in black on the plan annexed and signed as relative to this regulation, being the only known area of land in Scotland which drains into and contributes”, there shall be substituted the words “each of the areas of land specified in Schedule 4, being the areas of land in Scotland which drain into and contribute”;
- (c) for regulation 6(3) (action programmes), there shall be substituted, as follows:–  
 “(3) Subject to paragraph (3A) below, an action programme in respect of a nitrate vulnerable zone shall be established within one year of the designation of that zone.  
 (3A) Paragraph (3) above shall not apply to the first nitrate vulnerable zone in respect of which an action programme was established under the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 1998(4).”;
- (d) in regulation 6(4)(a), for the words “falling within paragraph (3)(a) above”, there shall be substituted the words “of the first nitrate vulnerable zone”;
- (e) in regulation 7(1) (contents of action programmes), the words “referred to in regulation 5” shall be omitted; and
- (f) after Schedule 3, there shall be inserted, as follows:–

“SCHEDULE 4

Regulation 3(1)

DESCRIPTIONS OF NITRATE VULNERABLE ZONES

1. The area of land at Balmalcolm in the local government area of Fife, more particularly shown outlined in black and marked “Balmalcolm Nitrate Vulnerable Zone” on the plan annexed and signed as relative to regulation 3.
2. The area of land comprising the catchment and estuary of the River Ythan lying within the local government area of Aberdeenshire which is delineated in red on the sixty one maps marked “Ythan Nitrate Vulnerable Zone” comprising the deposited map.”.

**Designation of Ythan Nitrate Vulnerable Zone**

3. The area described at paragraph 2 of Schedule 4 to the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996 is designated as a Nitrate Vulnerable Zone, within the meaning of those Regulations, with effect from 8th May 2000.

St Andrew's House,  
Edinburgh  
31st March 2000

*Sarah Boyack*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996 (“the 1996 Regulations”) transpose for Scotland the requirements of Council Directive [91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources. The objective of the Directive is to ensure that measures are taken to reduce and prevent nitrate pollution from agricultural sources. It provides a framework for action to reduce nitrate levels in the catchments of rivers and groundwater sources affected by such pollution, and to reduce eutrophication of freshwater bodies, estuaries, and coastal waters.

In terms of the 1996 Regulations, there was only one nitrate vulnerable zone in Scotland. These Regulations designate the catchment and estuary of the River Ythan in Aberdeenshire as a nitrate vulnerable zone (regulation 3).

The Regulations amend the 1996 Regulations in consequence of that designation and make other minor amendments, including the re-instatement of the reference to the Code of Good Practice (now defined in regulation 2 of the 1996 Regulations) which is necessary for the purposes of regulation 7.

Copies of the Code of Good Practice may be obtained free of charge from the Scottish Executive Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY.