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STATUTORY INSTRUMENTS

2016 No. 1254

AGRICULTURE, ENGLAND

WATER, ENGLAND

**The Nitrate Pollution Prevention (Amendment) (No. 2)
Regulations 2016**

<i>Made</i>	- - - -	<i>19th December 2016</i>
<i>Laid before Parliament</i>		<i>20th December 2016</i>
<i>Coming into force</i>	- -	<i>31st December 2016</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (“the 1972 Act”)(a).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the 1972 Act in relation to the environment(b).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Nitrate Pollution Prevention (Amendment) (No. 2) Regulations 2016 and come into force on 31st December 2016.

(2) These Regulations apply to England only.

Amendment of the Nitrate Pollution Prevention Regulations 2015

2.—(1) The Nitrate Pollution Prevention Regulations 2015(c) are amended as follows.

(2) In regulation 6 (appeals)—

(a) in paragraph (1)—

(i) after “regulation 5(3)(b)” insert “or 5(3A)(b)”;

(ii) after “proposals” insert “or designation”;

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a) omit “or”;

(ii) after sub-paragraph (a) insert—

(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 2008/301.

(c) S.I. 2015/668, amended by S.I. 2016/1190.

“(aa) in a case within regulation 5(3A), does not drain into water which the Secretary of State has identified as polluted or which has been similarly identified in Wales or Scotland, or”.

(3) In regulation 18 (restrictions on spreading slurry) omit paragraph (2).

19th December 2016

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Nitrate Pollution Prevention Regulations 2015 (S.I. 2015/668) (“the 2015 Regulations”) to make further consequential changes as a result of amendments made by the Nitrate Pollution Prevention (Amendment) Regulations 2016 (S.I. 2016/1190) (“the Amending Regulations”).

The Amending Regulations made several changes to the 2015 Regulations, including the insertion of regulation 5(3A)(b) to provide that notices can be sent after the designation of nitrate vulnerable zones for 2017 has taken place. The Amending Regulations omitted to make a consequential change to regulation 6(1) (which contains appeal rights against notices of designation) to include notices sent under regulation 5(3A)(b). This amendment is now made by these Regulations, along with a consequential change to regulation 6(2).

An amendment is also made to regulation 18 to remove a spent transitional provision.

An impact assessment has not been prepared for this instrument as no impact on the private, voluntary or public sector is foreseen.

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