
STATUTORY INSTRUMENTS

2019 No. 1350

The Environment (Legislative Functions
from Directives) (EU Exit) Regulations 2019

PART 6

Water quality

CHAPTER 8

Retention of functions from the Nitrates Directive

Power to specify the criteria for identifying waters

42.—(1) The appropriate authority may, by regulations, for the purposes of retained EU law which implemented Annex 1 to the Nitrates Directive, make provision—

- (a) specifying the criteria for identifying waters affected, or which could be affected, by pollution from nitrates from agricultural sources;
 - (b) as to the factors that may be taken into account in applying the criteria.
- (2) The provision which may be made under paragraph (1) includes—
- (a) requiring a reference to Annex 1 to the Nitrates Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications;
 - (b) amending provision which corresponds to that made by Annex 1 to the Nitrates Directive.
- (3) Regulations under paragraph (1) may amend any subordinate legislation.

(4) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.

Power to make provision about action programmes

43.—(1) The appropriate authority may, by regulations, for the purposes of retained EU law which implemented Annex 3 to the Nitrates Directive, make provision about the measures to be included in programmes of action to reduce pollution of surface freshwaters or groundwater from nitrates from agricultural sources.

- (2) In particular, the regulations may make provision as to—
- (a) periods when the application of certain types of fertiliser to land is prohibited;
 - (b) the capacity of storage vessels for manure;
 - (c) other limitations on the application of fertilisers to land, consistent with good agricultural practice;
 - (d) the total amount of livestock manure which may be applied, including provision specifying—

- (i) that for each farm or livestock unit the total amount of nitrogen in livestock manure applied to the land each calendar year, whether directly by an animal or by spreading, does not exceed a specified amount per hectare;
 - (ii) how that amount is to be calculated.
- (3) The provision which may be made under paragraph (1) includes—
 - (a) requiring a reference to Annex 3 to the Nitrates Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications;
 - (b) amending provision which corresponds to that made by Annex 3 to the Nitrates Directive.
- (4) Regulations under paragraph (1) may amend any subordinate legislation.
- (5) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.

Power to make provision in relation to reference methods of measurement for nitrate concentration

44.—(1) The appropriate authority may, by regulations, for the purposes of retained EU law which implemented Annex 4 to the Nitrates Directive, make provision about the reference methods of measurement for—

- (a) nitrogen compounds in chemical fertiliser;
 - (b) the concentration of nitrates in freshwaters, coastal waters and marine waters.
- (2) The provision which may be made under paragraph (1) includes—
 - (a) requiring a reference to Annex 4 to the Nitrates Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications;
 - (b) amending provision which corresponds to that made by Annex 4 to the Nitrates Directive.
- (3) Regulations under paragraph (1) may amend any subordinate legislation.
- (4) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.