

---

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.