
WELSH STATUTORY INSTRUMENTS

2019 No. 460

The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019

Amendment of the Nitrate Pollution Prevention (Wales) Regulations 2013

5.—(1) The Nitrate Pollution Prevention (Wales) Regulations 2013^{M1} are amended as follows.

(2) In regulation 6—

- (a) the existing paragraph is renumbered as paragraph (1) of that regulation;
- (b) after paragraph (1) (as renumbered), insert—

“(2) In paragraph (1), in the definition of “derogation” (*“rhanddirymiad”*), the reference to paragraph 2(b) of Annex 3 to Council Directive [91/676/EEC](#)^{M2} is to be read as if the third subparagraph were omitted.

(3) For the purposes of these Regulations, a reference to an EU Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to the authority which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in Wales.

(4) In paragraph (3), the “authority” means the Natural Resources Body for Wales or the Welsh Ministers.”

(3) In regulation 11—

- (a) in paragraph (2)(b), for “[^{F1}Council Directive [98/83/EC](#) on the quality of water intended for human consumption, as last amended by Commission Directive (EU) 2015/1787]”, substitute “the Private Water Supplies (Wales) Regulations 2017^{M3} and the Water Supply (Water Quality) Regulations 2018^{M4}”;
- (b) after paragraph (3) insert—

“(4) In paragraph (3)(a), the reference to Annex 1 to Council Directive [91/676/EEC](#) is to be read as if—

- (a) each reference in it to Article 5 of that Directive were to regulations 12, 13 and 14 to 46 of these Regulations;
- (b) in point A, paragraph 1, for the words from “more than” to “Directive [75/440/EEC](#)” there were substituted “a concentration of nitrates greater than 50mg/l”.

(4) In regulation 47, after paragraph (3) insert—

“(4) As part of the review conducted under this regulation, the Welsh Ministers must review the overall position of derogations granted under regulation 13A against—

- (a) objective criteria, including—
 - (i) the existence, in designated nitrate vulnerable zones, of—
 - (aa) long growing seasons,
 - (bb) crops with high nitrogen uptake, and

- (cc) soils with exceptionally high denitrification capacity, and
- (ii) the net rainfall in designated nitrate vulnerable zones;
- (b) the following objectives—
 - (i) reducing water pollution caused or induced by nitrates from agricultural sources, and
 - (ii) preventing further such pollution.”
- (5) After regulation 48, insert—

“Implementation report

48A.—(1) The Welsh Ministers must prepare a report on the implementation of these Regulations for each relevant period.

- (2) A report under paragraph (1) must contain—
 - (a) details of any steps taken to promote good agricultural practice;
 - (b) the map deposited under regulation 7(2), accompanied by a statement detailing the nature of, and reasons for, any revisions to the designated nitrate vulnerable zone since the end of the previous reporting period;
 - (c) a summary of the monitoring results under regulation 11;
 - (d) a summary of the most recent review conducted under regulation 47.
- (3) A report under paragraph (1) must be published—
 - (a) in such manner as the Welsh Ministers consider appropriate;
 - (b) by the last day of the six month period beginning with the day on which the relevant period ends.
- (4) In this regulation, “relevant period” means the period of four years beginning with 1st January 2016 and each successive period of four years.”

Textual Amendments

- F1** Words in [reg. 5\(3\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Retained EU Law \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1281\)](#), [regs. 1\(3\), 4](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Commencement Information

- I1** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M1** [S.I. 2013/2506](#) (W. 245), relevant amending instruments are [S.I. 2015/2020](#) (W. 308) and [2018/1216](#) (W. 249).
- M2** OJ No L 375, 31.12.1991, p 1, as last amended by Regulation (EC) No 1137/2008 (OJ No L 311, 21.11.2008, p 1).
- M3** [S.I. 2017/1041](#) (W. 270), amended by [S.I. 2018/647](#) (W. 121).
- M4** [S.I. 2018/647](#) (W. 121).

Changes to legislation:

There are currently no known outstanding effects for the The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019, Section 5.