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S.I. No. 526/2007 — European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2007

S.I. No. 526 of 2007

EUROPEAN COMMUNITIES (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) (AMENDMENT) REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 24th July, 2007.

WHEREAS, I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, having regard to section 3(3) of the European Communities Act, 1972 (No. 27 of 1972) (as inserted by section 2 of the European Communities Act 2007) (No. 18 of 2007) (hereinafter referred to as the Act of 1972), consider it necessary for the purpose of giving full effect to Directive 75/442/EEC of 15 July 1975 ¹ , Directive 76/464/EEC of 4 May 1976 ² , Directive 80/68/EEC of 17 December 1979 ³ , Directive 91/676/EEC of 12 December 1991 ⁴ , Directive 2000/60/EC of 23 October 2000 ⁵ and Directive 2003/35/EC of 26 May 2003 ⁶ to make provision for offences under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 (S.I. No. 388 of 2006) to be prosecuted on indictment:

AND WHEREAS, I consider that it is necessary, having further regard to section 3(3) of the Act of 1972, and for the purpose of ensuring that penalties in respect of an offence prosecuted in that manner under the aforementioned Regulations are effective, proportionate and have a deterrent effect, having regard to the acts or omissions of which the offence consists, to make such provision in the following Regulations:

NOW THEREFORE, I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007) and for the purpose of giving effect to Directive 75/442/EEC of 15 July 1975 ¹ , Directive 76/464/EEC of 4 May 1976 ² , Directive 80/68/EEC of 17 December 1979 ³ , Directive 91/676/EEC of 12 December 1991 ⁴ , Directive 2000/60/EC of 23 October 2000 ⁵ and Directive 2003/35/EC of 26 May 2003 hereby make the following Regulations—

1. These Regulations may be cited as the European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2007.

2. In these Regulations, “the Principal Regulations” means the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 (S.I. No. 378 of 2006).

3. These Regulations and the Principal Regulations shall be construed together and may be cited together as the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 and 2007.

4. Article 26 of the Principal Regulations is hereby amended by the substitution of the following for sub-article (1)—

“(1) A person who contravenes a provision of Parts 2 to 5 of these Regulations is guilty of an offence and shall be liable—

(a) on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months, or

(b) on conviction on indictment to a fine not exceeding €500,000 or to imprisonment for a term not exceeding one year

or to both such fine and such imprisonment.”.

GIVEN under my Official Seal,

19 July 2007

JOHN GORMLEY.

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal

interpretation.)

These Regulations amend the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 (S.I. No. 378 of 2006) (generally known as “the Nitrates Regulations”) by providing for increased penalties and for prosecution on indictment of offences.

The 2006 Regulations provide statutory support for good agricultural practice to protect waters against pollution from agricultural sources and give further effect to the Nitrates Directive, which relates to the protection of waters against pollution from agricultural sources, and several other EU Directives relating to dangerous substances in water, waste management, protection of groundwater, public participation in policy development, and water policy (the Water Framework Directive).

1 O.J. No. L 194/39, 25 July 1975

2 O.J. No. L 129/23, 18 May 1976

3 O.J. No. L 20/43, 26 January 1980

4 O.J. No. L 375/1, 31 December 1991

5 O.J. No. L 327/1, 22 December 2000

6 O.J. No. L 156/17, 25 June 2003

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