

Statutory Instrument 1998 No. 3084

The Water (Prevention of Pollution) (Code of Practice) Order 1998

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STATUTORY INSTRUMENTS

1998 No. 3084

AGRICULTURE

WATER RESOURCES, ENGLAND AND WALES

The Water (Prevention of Pollution) (Code of Practice) Order 1998

Made

9th December 1998

Coming into force

22nd January 1999

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales ("the Ministers"), acting jointly, in exercise of the powers conferred by section 97(1) of the Water Resources Act 1991[1], after consultation in accordance with section 97(3)[2] of the said Act with the Environment Agency, hereby make the following Order:-

1. This Order may be cited as the Water (Prevention of Pollution) (Code of Practice) Order 1998 and shall come into force on 22nd January 1999.

2. The Ministers approve the Code of Good Agricultural Practice for the Protection of Water dated October 1998, also known as "The Water Code Revised 1998" (including an erratum slip dated November 1998)[3], which was issued by them and a copy of which was deposited in each House of Parliament on 2nd December 1998-

(a) to give practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters^[4]; and

(b) to promote what appear to them to be desirable practices by such persons for avoiding or minimising the pollution of any such waters.

3. The Water (Prevention of Pollution) (Code of Practice) Order 1991^[5] is revoked.

Elliot Morley

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

9th December 1998

Signed by authority of the Secretary of State for Wales

Jon Owen Jones

Parliamentary Under-Secretary of State, Welsh Office

7th December 1998

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves the Code of Good Agricultural Practice for the Protection of Water, also known as "The Water Code Revised 1998" issued by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales in October 1998 (and including an erratum slip dated November 1998). The Code replaces the corresponding Code issued in 1991 and the order approving that Code is revoked.

The Code gives practical guidance to persons engaged in agriculture with respect to activities that may cause water pollution and seeks to promote desirable practices by such persons in this field.

The Environment Agency is required, by section 97(2) of the Water Resources Act 1991 (as amended by the Environment Act 1995), to take into account whether there has been or is likely to be any contravention of an approved code of practice in determining when and how to exercise-

(a) its powers by giving a notice under section 86(1) of the 1991 Act to impose a prohibition under that section; and

(b) any powers which may be conferred on it by regulations under section 92 of the 1991 Act.

Copies of the Code may be obtained free of charge from MAFF Publications, London SE99 7 TP, or Welsh Office Agriculture Department, Crown offices, Cathays Park, Cardiff CF1 3NQ.

Notes:

[1] 1991 c. 57. See the definitions of "the Minister" and "the Ministers" in section 221(1).[back](#)

[2] Section 97(3) was amended by the Environment Act 1995, Schedule 22, paragraph 128.[back](#)

[3] The Code has MAFF Publication Number PB0587.[back](#)

[4] "Controlled waters" is defined in section 104(1) of the Water Resources Act 1991.[back](#)

[5] S.I. 1991/2285.[back](#)

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