
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 419

**EUROPEAN COMMUNITIES
WATER AND SEWERAGE**

**The Protection of Water Against Agricultural Nitrate
Pollution Regulations (Northern Ireland) 2004**

Made - - - - *1st October 2004*
Coming into operation *29th October 2004*

The Department of the Environment and the Department of Agriculture and Rural Development, being departments designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to the prevention, reduction and elimination of pollution of water, acting jointly in exercise of the powers conferred upon them by that section and of every other power enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004 and shall come into operation on 29th October 2004.

Interpretation

2.—(1) In these Regulations –

“Action Programme” has the same meaning as in Article 5 of Council Directive [91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources(3);

“the Departments” means the Department of the Environment and the Department of Agriculture and Rural Development acting jointly;

“Northern Ireland” has the same meaning as in the Northern Ireland Act [1998 \(c. 47\)](#);

“Regulations” means Regulations made under section 2(2) of the European Communities Act [1972 \(c. 68\)](#).

(1) [S.I.1989/2393](#)

(2) [1972 c. 68](#)

(3) [O.J. No. L375, 31.12.91, p. 1](#)

(2) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Action Programme throughout territory of Northern Ireland

3. The Departments shall by Regulations establish and apply an Action Programme throughout the territory of Northern Ireland.

Transitional

4.—(1) The statutory provisions referred to in paragraph (2) shall continue in operation unless and until the Departments by Regulations establish and apply an Action Programme throughout the territory of Northern Ireland.

(2) The statutory provisions referred to in paragraph (1) are the following, namely –

- (a) The Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2003(5); and
- (b) Action Programme for Nitrate Vulnerable Zones Regulations (Northern Ireland) 1999(6).

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st October 2004.

L.S.

David Small
A senior officer of the
Department of Agriculture and Rural
Development

Sealed with the Official Seal of the Department of the Environment on 1st October 2004.

L.S.

Judena Goldring
A senior officer of the
Department of the Environment

(4) 1954 c. 33 (N.I.)
(5) S.R. 2003 No. 259
(6) S.R. 1999 No. 156

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give further effect to Council Directive [91/676/EEC](#) (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Regulation 3 establishes the territory of Northern Ireland as the area to which an Action Programme will be applied.

Regulation 4 is a transitional measure and provides for the continuation of the existing Action Programme and the seven existing Nitrate Vulnerable Zones pending the application of an Action Programme to the territory of Northern Ireland.