

Welsh Statutory Instrument 2003 No. 1852 (W. 202)

The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 1852 (W. 202)

AGRICULTURE, WALES

WATER, WALES

**The Action Programme for Nitrate Vulnerable Zones (Amendment)
(Wales) Regulations 2003**

Made

16th July 2003

Coming into force

31st July 2003

The National Assembly for Wales ("the National Assembly") which has been designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the protection of waters against pollution caused by nitrates from agricultural sources hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003; they apply in relation to Wales and come into force on 31st July 2003.

Amendment of the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998

2. - (1) The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998^[3] ("the 1998 Regulations") are amended in their application to Wales in accordance with the following paragraphs -

(2) In regulation 2(interpretation) in the definition of "nitrate vulnerable zone" there are inserted the words "or 3B" immediately after "regulation 3"

(3) In regulation 8(1) (offences) -

(i) for "level 5 on the standard scale" there is substituted "the statutory maximum"; and

(ii) the words "not exceeding the statutory maximum" are omitted immediately after the word "fine" where it appears for the second time.

(4) In the Schedule

(i) in paragraph 9 after subparagraph (2) there is inserted the following

" (3) Subparagraph (2)(b)(i) shall have effect in relation to all nitrate vulnerable zones in Wales except Dyserth and Trelech as if "2006" were substituted for "2002"";

(ii) for paragraph 15 there is substituted

" 15. Any record of an event made for the purposes of paragraph 14 shall be retained for a period of 5 years after that event.".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^[4].

D. Elis-Thomas
The Presiding Officer of the National Assembly

16th July 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998.

In particular they provide in relation to those further areas designated as nitrate vulnerable zones by virtue of the Protection of Water Against Agricultural Nitrate Pollution (Amendment) (Wales) Regulations 2002 that the date for the multiplier of 210kg set down in paragraph 9(2)(b)(i) of the Schedule shall be extended to 19 December 2006. In relation to those areas designated as nitrate vulnerable zones prior to the 2002 Regulations the relevant date remains the 19 December 2002.

The Regulations also

- (a) amend the definition of "nitrate vulnerable zones";
- (b) amend regulation 8 to provide on summary conviction for a fine not exceeding the statutory maximum and on conviction on indictment to an unlimited fine; and
- (c) substitute for paragraph 15 of the Schedule a new paragraph 15.

Notes:

[1] See Article 3 of, and Schedule 2, paragraph 2, to the European Communities (Designation) (No.2) Order 2001 (SI 2001/2555).[back](#)

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

[3] SI 1998/1202.[back](#)

[4] 1998 c.38.[back](#)

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ISBN 0 11090767 1

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