

2009 No. 46

AGRICULTURE, ENGLAND

WATER RESOURCES, ENGLAND

The Water (Prevention of Pollution) (Code of Good Agricultural Practice) (England) Order 2009

Made - - - - *12th January 2009*

Coming into force - - *6th February 2009*

The Secretary of State, in exercise of the powers conferred by section 97(1) of the Water Resources Act 1991(a) and now vested in the Secretary of State(b), makes the following Order.

The Secretary of State has consulted the Environment Agency in accordance with section 97(3)(c) of that Act.

Title, application and commencement

1. This Order—

- (a) may be cited as the Water (Prevention of Pollution) (Code of Good Agricultural Practice) (England) Order 2009;
- (b) applies in England; and
- (c) comes into force on 6th February 2009.

Approval of Code of Practice

2. The Secretary of State approves the Code of Good Agricultural Practice to protect water, soil and air quality which was issued by the Secretary of State on 6th January 2009(d) so far as it was issued for the purpose of—

- (a) giving practical guidance to persons engaged in agriculture with respect to activities that may affect controlled waters(e); and
- (b) promoting what appears to the Secretary of State to be desirable practices by such persons for avoiding or minimising the pollution of any such waters.

(a) 1991 c. 57.

(b) See section 221(1) for a definition of “the Minister” and “the Ministers”. Functions exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly were transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(c) Section 97(3) was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 128.

(d) The Code is available electronically from www.defra.gov.uk/farm/environment/cogap/index.htm or in hard copy from The Stationery Office Ltd (ISBN 978 0 11 243284 5).

(e) See the definition of “controlled waters” in section 104(1) of the Water Resources Act 1991.

Revocation

3. The Water (Prevention of Pollution) (Code of Practice) Order 1998(a) is revoked so far as it applies in England.

Jane Kennedy
Minister of State

12th January 2009

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument applies in England and approves, under section 97(1) of the Water Resources Act 1991, the Code of Good Agricultural Practice to protect water, soil and air quality which was issued by the Secretary of State in January 2009 (“the 2009 Code”), so far as it was issued for the purpose mentioned in Article 2.

The 2009 Code replaces, in relation to England, the separate Codes of Good Agricultural Practice for the Protection of Water, Air and Soil issued in relation to England and Wales by the Ministry of Agriculture, Fisheries and Food and the Welsh Office Agriculture Department in October 1998.

This instrument revokes, so far as it applies in England, the Water (Prevention of Pollution) (Code of Practice) Order 1998 (S.I. 1998/3084), which approved the Code of Good Agricultural Practice for the Protection of Water.

The Environment Agency is required, by section 97(2) of the Water Resources Act 1991, to take into account whether there has been or is likely to be any contravention of the 2009 Code in determining when and how to exercise its powers to impose a prohibition under section 86 of that Act (by giving notice under section 86(1)) and any powers conferred on it by regulations under section 92 of that Act.

Copies of the 2009 Code may be obtained from the Department for Environment, Food and Rural Affairs’ website at www.defra.gov.uk/farm/environment/cogap/index.htm or from The Stationery Office Ltd.

No impact assessment has been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

(a) S.I. 1998/3084.