STATUTORY INSTRUMENTS

1990 No. 1187

WATER, ENGLAND AND WALES
AGRICULTURE

The Nitrate Sensitive Areas (Designation) (Amendment) Order 1990

Made - - - - *6th June 1990*

Laid before Parliament *6th June 1990*

Coming into force in accordance with regulation 1(1)

The Minister of Agriculture, Fisheries and Food and the Secretary of State for the Environment, acting jointly, in exercise of the powers conferred on them by section 112 of the Water Act 1989(**a**), and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Nitrate Sensitive Areas (Designation) (Amendment) Order 1990 and shall come into force on the day after this Order is laid.

(2) This Order shall apply to England only.

Amendment of the principal Order

2. The Nitrate Sensitive Areas (Designation) Order 1990(**b**) shall be amended in accordance with the following provisions of this Order.

3. In article 2(1)–

(a) in the definition of "economic optimum" after the word "of" where it first appears there shall be inserted the following: "nitrogen in the form of"; and

(b) in the definition of "farmer" after the word "and" there shall be inserted the following: "who applies to enter or, as the case may be,".

4. In article 5(8), for the word "may" there shall be substituted "shall".

5. In Schedule 1–

(a) for paragraph 1 there shall be substituted the following paragraph–

"**1.** The farmer shall not apply in a single application inorganic nitrogen fertiliser in excess of that which contains 120 kilograms of nitrogen per hectare.";

(b) in paragraph 2(a)(i) for the words after "following year:" there shall be substituted the following: "the amount which contains 25 kilograms of nitrogen per hectare below the economic optimum";

(c) in paragraph 2(a)(ii) for the words after "following year:" there shall be substituted the following: "the amount which contains 50 kilograms of nitrogen

(**a**) 1989 c.15. The expression "the Minister" is defined in section 189(1).
(**b**) S.I. 1990/1013.

per hectare below the economic optimum";

(d) in paragraph 2(a)(iii) for the words after "in any year:" there shall be substituted the following: "the amount which contains 25 kilograms of nitrogen per hectare below the economic optimum"; and

(e) in paragraph 2(b) after the word "more" there shall be inserted the words "nitrogen in the form of".

6. In paragraph 7 of Schedule 2, for Option C (i) there shall be substituted the following:

"(i) The farmer shall not in any period of 12 months apply organic nitrogen fertiliser or inorganic nitrogen fertiliser in excess of that which contains 150 kilograms of nitrogen per hectare.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th June 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Christopher Patten
Secretary of State for the Environment

5th June 1990

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Nitrate Sensitive Areas (Designation) Order 1990. It changes the definition of "economic optimum" to express it in terms of the nitrogen content of inorganic nitrogen fertiliser (article 3(a)) and changes certain references to the restrictions on the application of organic nitrogen fertiliser and inorganic nitrogen fertiliser to restrictions on the application of nitrogen in such fertiliser (articles 5 and 6). Two further minor amendments have been made (articles 3(b) and 4).

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