1965 No. 1010

WATER RESOURCES, ENGLAND AND WALES

The Spray Irrigation (Definition) Order 1965

Made - - - -	15*th April* 1965
Laid before Parliament	29*th April* 1965
Coming into Operation	30*th April* 1965

The Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the powers conferred on them by section 105 of the Water Resources Act 1963(**a**) and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This Order may be cited as the Spray Irrigation (Definition) Order 1965, and shall come into operation on the 30th April 1965.

Interpretation

2.—(1) In this Order—

" growth regulators " means substances used for accelerating or retarding the normal growth of plants;

" movable " means, in relation to any apparatus, mounted on wheels or portable and, in either case, not connected by pipe to an inland water or to water contained in any underground strata;

" nutrients " means substances (other than water) that are necessary for the healthy growth of plants;

" quality additives " means substances (other than water, growth regulators or nutrients) used for improving or maintaining the yield or quality of plants or for improving their quality when harvested and during any period of conservation and applied to the growing plants or to the soil in which they grow.

(2) The Interpretation Act 1889(**b**) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Restriction of spray irrigation provisions

3.—(1) References to spray irrigation in those sections of the Water Resources Act 1963 that are specified in the Schedule hereto shall be construed as not including spray irrigation if carried out—

(*a*) by means of a combination of water and substances used for protecting plants against pest or disease or for exterminating or restricting the growth of weeds or grass and emerging from apparatus that is movable;

(*b*) by means of a combination of water and growth regulators or nutrients emerging from apparatus that is movable;

(**a**) 1963 c. 38. (**b**) 1889 c. 63.

(*c*) by means of a combination of water and manure or dung—

(i) emerging from apparatus that is movable, or

(ii) emerging from spray guns in so far as the water used by such guns in any period of fourteen days does not exceed the aggregate capacity of the effluent pits or tanks situated on the holding from which the manure or dung is derived; or

(*d*) by means of a combination of water and quality additives emerging from apparatus that is movable.

(2) References to spray irrigation in sections 45 and 129 of the said Act (the effect of which sections is described in the Schedule hereto) shall be construed as not including spray irrigation if carried out—

(*a*) within a building or other structure, whether fixed or mobile, used for the production of agricultural produce, being a building or structure which excludes from the plants growing in or under it water falling as rain;

(*b*) on land in the immediate vicinity of cloches, in or under which plants are growing, for the purpose of securing a supply of moisture to those plants.

In witness whereof the official seal of the Minister of Housing and Local Government is hereunto affixed on 15th April 1965.

(L.S.) *R. H. S. Crossman,*
Minister of Housing and Local Government.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th April 1965.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

SCHEDULE

Provisions of Water Resources Act 1963 *mentioned in Article* 3(1) *of this Order*

Section 24(2) (which excepts from the general restriction certain abstractions of water for use for agricultural purposes other than spray irrigation).

Section 35(5) (which relates to the provision as to a quantity of water to be made in a non-statutory user's licence of right authorising the use of water for spray irrigation).

Section 45 (which authorises the temporary reduction of the quantity of water authorised by a licence to be used for spray irrigation).

Section 57(4) (which provides for a reduced fee for a licence for abstraction of water from underground strata for agricultural purposes other than spray irrigation).

Section 60(6) (which provides that no charges shall be leviable under a charging scheme for water abstracted from underground strata for agricultural purposes other than spray irrigation).

Section 63 (which authorises the making of agreements providing for special charges in respect of licences under which water is to be used for spray irrigation).

Section 129 (which makes temporary provision for restricting the abstraction of water for spray irrigation).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on the 30th April 1965, restricts the meaning of "spray irrigation" in the provisions of the Water Resources Act 1963 mentioned in the Schedule to the Order by excluding the operations described in Article 3 of the Order.