
STATUTORY INSTRUMENTS

1992 No. 1096

WATER RESOURCES, ENGLAND AND WALES

The Spray Irrigation (Definition) Order 1992

<i>Made</i>	- - - -	<i>27th April 1992</i>
<i>Laid before Parliament</i>		<i>5th May 1992</i>
<i>Coming into force</i>	- -	<i>18th May 1992</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for the Environment and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 72(5) of the Water Resources Act 1991(1) and all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Spray Irrigation (Definition) Order 1992 and shall come into force on 18th May 1992.

Interpretation

2. In this Order—

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

“moveable” 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.

Restriction of spray irrigation provisions

3. References to spray irrigation in those provisions of the Water Resources Act 1991 that are specified in the Schedule hereto shall be construed as not including spray irrigation if carried out—

(1) 1991 c. 57; the expression “the Ministers” is defined in section 221(1); section 221(7) provides for the Ministers to act jointly.

- (a) by means of a combination of water and substances used for protecting plants against pests or disease or for exterminating or restricting the growth of weeds or grass and emerging from apparatus that is moveable;
- (b) by means of a combination of water and growth regulators or nutrients emerging from apparatus that is moveable;
- (c) by means of a combination of water and manure or dung—
 - (i) emerging from apparatus that is moveable, or
 - (ii) emerging from spray guns insofar as the water used by such guns in any period of 14 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 moveable.

4. References to spray irrigation in section 57 of the Water Resources Act 1991 (the effect of which section 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;
- (c) on containers or pots in the open in which plants intended for sale are grown in such a way as to be unable to take moisture from the soil.

Revocation

5. The Spray Irrigation (Definition) Order 1965(2) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereby affixed on

L.S.

27th April 1992.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

4th May 1992

Michael Howard
Secretary of State for the Environment

23rd April 1992

David Hunt
Secretary of State for Wales

SCHEDULE

Articles 3 and 4

PROVISIONS OF WATER RESOURCES ACT 1991 MENTIONED IN ARTICLES 3 AND 4 OF THIS ORDER

Section 27(4) (which exempts from the general restrictions certain abstractions of water for use for agricultural purposes other than spray irrigation).

Section 57(1), (2), (4) (which authorise the temporary reduction of the quantity of water authorised by a licence to be used for spray irrigation).

Section 125(2) (which provides that no charges shall be leviable under a licence for small quantities of water abstracted from underground strata for agricultural purposes other than spray irrigation).

Section 127(1), (4) (which authorise the making of agreements providing for special charges in respect of licences for spray irrigation).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order re-enacts with amendments the Spray Irrigation (Definition) Order 1965. The Order omits references to provisions in the Water Resources Act 1963 that are spent, and substitutes references to the Water Resources Act 1991, for provisions of the 1963 Act that have been re-enacted.

The Order also provides that references to spray irrigation in section 57 of the 1991 Act shall not include spray irrigation of certain container-grown plants (article 4(c)).