



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003

PART 1

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 1

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- 1 General purpose of Part 1
- 2 The general duties
- 3 The water environment: definitions

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River basin districts

- 4 Establishment of river basin districts
- 5 Characterisation of river basin districts
- 5A Shellfish water protected areas
- 6 Bodies of water used for the abstraction of drinking water
- 7 Register of protected areas
- 8 Monitoring
- 9 Environmental objectives and programmes of measures

River basin management plans

- 10 River basin management plans
- 11 River basin management plans: publicity and consultation

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- 12 River basin management plans: submission for approval
- 13 River basin management plans: approval
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- 16 Duty to have regard to river basin management plans and sub-basin plans
- 17 River Basin District Advisory Groups

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- 18 Power to obtain information and documents etc.
- 19 General regulation-making power

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- 20 Regulation of controlled activities
- 21 Controlled activities regulations: procedure
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- 23 Fixing of charges for water services
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- 27 Availability of documents for public inspection
- 28 Interpretation of Part 1
- 28A Interpretation of Directives for the purposes of Part 1

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- 29 Duty to provide water and sewerage services
- 30 Private sewers, SUD systems and sewage treatment works etc.: vesting, takeover and connection conditions

Mains and pipes provided by persons other than Scottish Water

- 31 Laying of water mains and communication pipes by persons other than Scottish Water

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- 32 Vesting in Scottish Water of waterworks and mains

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- 33 Sustainable urban drainage systems

Supplementary

34 Modifications of Part III of the 1980 Act

PART 3

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- 35 Crown application
- 36 Orders and regulations
- 37 Ancillary provision
- 38 Commencement and short title

SCHEDULE 1 — Matters to be included in river basin management plans

Part 1 — MATTERS TO BE INCLUDED IN EVERY PLAN

- 1 A summary of the characterisation of the river basin district...
- 2 A summary of significant pressures, and the impact of human...
- 3 A summary of the register of protected areas maintained under...
- 4 Information as to the arrangements for monitoring water status under...
- 5 A list of the environmental objectives set under section 9...
- 6 A summary of the programme of measures prepared under section...
- 7 Information as to any sub-basin plan.
- 8 A non-technical summary of the information provided under paragraphs 1...
- 9 A summary of— (a) the steps taken under subsections (3)...
- 10 Information as to— (a) SEPA, and (b) every responsible authority...
- 11 The arrangements for making available to the public documents and...

Part 2 — ADDITIONAL MATTERS TO BE INCLUDED IN REVISED PLANS

- 12 A summary of the changes which have been made as...
- 13 An assessment of the progress made towards the achievement of...
- 14 A summary of any measures included in the programme of...
- 15 A summary of any measures additional to those referred to...

SCHEDULE 2 — Controlled activities regulations: particular purposes

Part 1 — LIST OF PURPOSES

- 1 (1) Further defining the activities specified in subsection (3) of...
- 2 (1) Determining the authorities (whether SEPA or any other public...
- 3 (1) Prohibiting persons from carrying on, or from causing or...
- 4 (1) Requiring persons proposing to carry on controlled activities to...
- 5 (1) Prescribing the form and content of applications for water...
- 6 (1) Regulating the procedure for registration required by provision made...
- 7 (1) Authorising, or authorising regulators to make, vary and revoke...
- 8 Publicity and consultation
- 9 Requiring or authorising regulators to carry out consultation in connection...
- 10 Enforcement and offences
- 11 (1) Authorising regulators to serve on any persons carrying on...
- 12 Creating offences and dealing with matters relating to such offences,...
- 13 Enabling, where a person has been convicted of an offence...
- 14 (1) Conferring rights of appeal in respect of decisions made,...
- 15 (1) Making provision which, subject to any modifications that the...

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Part 2 — SUPPLEMENTARY PROVISIONS

- 16 The regulations may provide for specified provisions of the regulations...
- 17 General binding rules may— (a) impose conditions or requirements,
- 18 In connection with the imposition of conditions as mentioned in...
- 19 The regulations may— (a) require any such scheme as is...
- 20 (1) The regulations may provide for any such offence as...
- 21 In this schedule— “general binding rules” means rules specified in...

SCHEDULE 2A — Remedial and restoration measures regulations: offences

Offences

- 1 Creating offences and dealing with matters relating to such offences,...
- 2 Enabling, where a person has been convicted of an offence...
- 3 Making provision which, subject to any modification that the Scottish...

Supplementary

- 4 (1) The regulations may provide for any such offence as...

Interpretation

- 5 In this schedule— “ the regulations ” means regulations under...

SCHEDULE 3 — Sustainable urban drainage systems: further amendments

- 1 The 1968 Act
- 2 In section 1(1) (duty of Scottish Water to provide for...
- 3 In section 2 (maintenance of public sewers etc.), after “sewers,”...
- 4 In section 3 (power to construct public sewers)—
- 5 In section 3A(2) (vesting of privately constructed sewers)—
- 6 In section 4 (Scottish Water may close or alter public...
- 7 In section 7(1) (agreements between roads authorities and Scottish Water),...
- 8 In section 8(1) (agreements as to provision of sewers etc....
- 9 In section 11(1) (Scottish Water to keep maps of sewers,...
- 10 (1) Section 12 (rights of owners and occupiers to connect...
- 11 In section 14 (direction by Scottish Water as to manner...
- 12 In section 15 (owner or occupier to remedy defects in...
- 13 In section 16 (vesting of sewers and other works in...
- 14 In section 16A (vesting of certain private sewers)—
- 15 In section 17 (Scottish Water may take over private sewage...
- 16 In section 21(1) (buildings not to interfere with sewers), after...
- 17 In section 23 (restriction on working minerals)—
- 18 In section 39 (Scottish Water to have right to sewage),...
- 19 In section 41 (breaking open of streets etc.), after “sewers”...
- 20 In section 45 (production of plans and information)—
- 21 In section 46 (certain matter not to be passed into...
- 22 In section 48(1) (powers of entry)— (a) in paragraph (a),...
- 23 In section 59 (interpretation)— (a) in subsection (1), in the...
- 24 In section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002...

SCHEDULE 4 — Modifications of Part III of the 1980 Act

- 1 In section 22 (power to break open streets) of the...

- 2 In section 23 (power to lay mains etc.), after subsection...
- 3 (1) Section 24 (communication and supply pipes) of the 1980...
- 4 (1) Part II of Schedule 3 (provisions as to laying...
- 5 In Schedule 4 (provisions to be incorporated in orders relating...

SCHEDULE 5 — Interpretation of Directives for the purposes of Part 1
PART 1 — THE DIRECTIVE

Introduction

- 1 (1) When interpreting the Directive for the purposes of Part...

Modifications to the Articles

- 2 Article 2 is to be read as if—
- 3 Article 3(9) is to be ignored.
- 4 Article 4 is to be read as if—
- 5 Article 7(2) is to be read as if—
- 6 Article 10 is to be ignored.
- 7 Article 11(3) is to be read as if—
- 8 Article 12 is to be ignored.
- 9 Article 15 is to be ignored.
- 10 Article 24 is to be ignored.
- 11 Annex II is to be read as if, in section...
- 12 Annex IV is to be read as if—
- 13 Annex V is to be read as if—
- 14 Annex VI is to be read as if Part A...
- 15 Annex VII is to be read as if, in Part...

Definition of assimilated law

- 16 For the purposes of this Part, “ assimilated law ”...

PART 2 — THE GROUNDWATER DIRECTIVE

Introduction

- 17 (1) When interpreting the Groundwater Directive for the purposes of...

Modifications to the Articles

- 18 Article 3(5) is to be read as if for “submitted”...
- 19 Article 5(4) and (5) is to be read as if...
- 20 Article 6(4) is to be read as if the words...
- 21 Article 12 is to be ignored.
- 22 Annex I is to be read as if—
- 23 Annex II is to be read as if, in Part...

Definition of assimilated law

- 24 For the purposes of this Part, “ assimilated law ”...

PART 3 — THE PRIORITY SUBSTANCES DIRECTIVE

Introduction

- 25 (1) When interpreting the Priority Substances Directive for the purposes...

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Modifications to Articles

- 26 (1) A reference in Article 3 to a provision of...
- 27 Article 4 is to be read as if—
- 28 Article 5 is to be read as if—
- 29 The following are to be ignored— (a) Article 6(2),

Definition of assimilated law

- 30 For the purposes of this Part, “ assimilated law ”...

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Changes and effects yet to be applied to :

- s. 20 repealed by [2014 asp 3 sch. 3 para. 8\(3\)](#)
- s. 21 repealed by [2014 asp 3 sch. 3 para. 8\(4\)](#)
- s. 22(2)(a) words repealed by [2014 asp 3 sch. 3 para. 8\(5\)\(a\)](#)
- s. 22(4) inserted by [2014 asp 3 sch. 3 para. 8\(5\)\(b\)](#)
- s. 23(4)(a) words repealed by [2014 asp 3 sch. 3 para. 8\(6\)\(a\)](#)
- s. 28 words repealed by [2014 asp 3 sch. 3 para. 8\(7\)](#)
- s. 36(3) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)
- s. 36(4)(b) and word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(b\)](#)
- s. 36(5) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)
- s. 36(6) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)
- sch. 1 para. 10(b) words substituted by [2014 asp 3 sch. 3 para. 8\(9\)](#)
- sch. 2 repealed by [2014 asp 3 sch. 3 para. 8\(10\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)