

Changes to legislation: *Water Environment and Water Services (Scotland) Act 2003 is up to date with all changes known to be in force on or before 22 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 1

(introduced by sections 10 and 14)

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 carried out under section 5.

Commencement Information

I1 Sch. 1 para. 1 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

- 2 A summary of significant pressures, and the impact of human activity, on the status of the water environment within the district.

Commencement Information

I2 Sch. 1 para. 2 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

- 3 A summary of the register of protected areas maintained under section 7, including information sufficient to identify each protected area within the district.

Commencement Information

I3 Sch. 1 para. 3 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

- 4 Information as to the arrangements for monitoring water status under section 8 and as to the results of such monitoring.

Commencement Information

I4 Sch. 1 para. 4 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

- 5 A list of the environmental objectives set under section 9 for every body of water in the district.

Commencement Information

I5 Sch. 1 para. 5 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

- 6 A summary of the programme of measures prepared under section 9 to be applied to achieve those objectives.

Commencement Information

I6 Sch. 1 para. 6 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

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7 Information as to any sub-basin plan.

Commencement Information

I7 Sch. 1 para. 7 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

8 A non-technical summary of the information provided under paragraphs 1 to 7.

Commencement Information

I8 Sch. 1 para. 8 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

9 A summary of—

- (a) the steps taken under subsections (3) to (6) of section 11 in relation to the plan, and
- (b) changes made to the plan in light of—
 - (i) the views and representations received on it, and
 - (ii) any advice given by a River Basin District Advisory Group under section 17(2).

Commencement Information

I9 Sch. 1 para. 9 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

10 Information as to—

- (a) SEPA, and
- (b) every responsible authority and regulator (within the meaning of schedule 2) having functions in relation to the river basin district.

Commencement Information

I10 Sch. 1 para. 10 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

11 The arrangements for making available to the public documents and information relevant to the preparation and implementation of the plan.

Commencement Information

I11 Sch. 1 para. 11 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(b)**

PART 2

ADDITIONAL MATTERS TO BE INCLUDED IN REVISED PLANS

12 A summary of the changes which have been made as compared with the previous plan.

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Commencement Information

I12 Sch. 1 para. 12 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(b\)](#)

- 13 An assessment of the progress made towards the achievement of the environmental objectives set under section 9, including the results of monitoring under section 8 and reasons for any failure to achieve any such objective.

Commencement Information

I13 Sch. 1 para. 13 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(b\)](#)

- 14 A summary of any measures included in the programme of measures prepared under section 9 in relation to the previous plan which were not applied, with reasons for the non-application.

Commencement Information

I14 Sch. 1 para. 14 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(b\)](#)

- 15 A summary of any measures additional to those referred to in paragraph 14 which were applied to achieve the environmental objectives set under section 9.

Commencement Information

I15 Sch. 1 para. 15 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(b\)](#)

SCHEDULE 2

(introduced by section 20)

CONTROLLED ACTIVITIES REGULATIONS: PARTICULAR PURPOSES

PART 1

LIST OF PURPOSES

- 1 (1) Further defining the activities specified in subsection (3) of section 20.
(2) Modifying the definitions of those activities.
(3) Specifying other activities as controlled activities.

Commencement Information

I16 Sch. 2 para. 1 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 2 (1) Determining the authorities (whether SEPA or any other public or local authority or the Scottish Ministers) by whom functions conferred by the regulations for or in

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connection with regulating controlled activities are to be exercisable (such authorities being referred to in this schedule as “regulators”).

- (2) Securing that such functions are exercised with a view to achieving the environmental objectives set out in river basin management plans.
- (3) Specifying any other purposes for which any such functions are to be exercisable.
- (4) Enabling the Scottish Ministers to give directions (whether general or specific) with which regulators are to comply, or guidance to which regulators are to have regard, in exercising functions under the regulations, including—
 - (a) directions providing for any functions exercisable by one regulator to be exercisable instead by another,
 - (b) directions given for the purpose of the implementation of any obligations of the United Kingdom under the Community Treaties or under any international agreement to which the United Kingdom is a party,
 - (c) directions relating to the exercise of any function in a particular case or description of case,
 - (d) directions providing for any matter to which the directions relate to be determined, in such manner (if any) as the directions may specify, by a person other than the Scottish Ministers.

Commencement Information

I17 Sch. 2 para. 2 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

- 3 (1) Prohibiting persons from carrying on, or from causing or permitting others to carry on, any controlled activity, or from carrying on any such activity except so far as it is—
 - (a) authorised by or under, and
 - (b) carried on in accordance with,
 the regulations.
- (2) Specifying rules of general application (“general binding rules”) subject to which controlled activities may be carried on.
- (3) Treating as authorised the carrying on of controlled activities which are subject to general binding rules.
- (4) Enabling regulators to authorise the carrying on of controlled activities (whether or not the carrying on of any such activities is subject to general binding rules)—
 - (a) by way of a licence granted under the regulations (a “water use licence”),
 - (b) subject to a requirement to register the carrying on of the activity (“registration”).

Commencement Information

I18 Sch. 2 para. 3 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

- 4 (1) Requiring persons proposing to carry on controlled activities to notify regulators of the proposals.

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- (2) Prescribing the form and content of notifications and otherwise regulating the procedure for notifying proposed controlled activities.
- (3) Requiring regulators to advise persons notifying them of proposals to carry on controlled activities as to whether the carrying on of the activities requires to be authorised by regulators under the regulations in pursuance of paragraph 3(4) and, if so, the type of authorisation required.

Commencement Information

I19 Sch. 2 para. 4 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 5
 - (1) Prescribing the form and content of applications for water use licences.
 - (2) Specifying restrictions or other requirements in connection with applications for, or the grant of, licences.
 - (3) Otherwise regulating the procedure to be followed in connection with applications for licences and the determination of applications.
 - (4) Enabling licence applications to be treated as notifications in specified circumstances.
 - (5) Prescribing the contents of licences.
 - (6) Authorising licences to be granted subject to conditions imposed by regulators.
 - (7) Enabling the granting of licences authorising the carrying on of more than one controlled activity.
 - (8) Securing that licences have effect subject to specified conditions.
 - (9) Requiring licences or the conditions to which they are subject to be reviewed by regulators (whether periodically or in specified circumstances).
 - (10) Authorising or requiring the variation of licences or such conditions by regulators (whether on applications made by holders of licences or otherwise).
 - (11) Regulating the transfer and surrender of licences.
 - (12) Authorising the suspension of licences by regulators.
 - (13) Authorising the revocation of licences by regulators.
 - (14) Authorising the imposition by regulators of requirements with respect to the taking of preventive or remedial action (by holders of licences or other persons) in connection with the surrender and revocation of licences.

Commencement Information

I20 Sch. 2 para. 5 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 6
 - (1) Regulating the procedure for registration required by provision made in pursuance of paragraph 3(4)(b), including variation and revocation of registrations.
 - (2) Specifying restrictions or other requirements in connection with registration.

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Commencement Information

I21 Sch. 2 para. 6 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

- 7 (1) Authorising, or authorising regulators to make, vary and revoke schemes for, the charging by regulators of fees or other charges—
- (a) in respect of notifications,
 - (b) in respect of, or in respect of applications for—
 - (i) the grant of a licence,
 - (ii) the variation of a licence or the conditions to which it is subject,
 - (iii) the transfer, surrender or revocation of a licence,
 - (iv) registration,
 - (c) in respect of the subsistence of a licence or registration,
 - (d) in respect of other specified matters.
- (2) Regulating the procedure for making, varying and revoking such schemes.

Commencement Information

I22 Sch. 2 para. 7 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

Publicity and consultation

- 8 Securing that—
- (a) publicity is given to specified matters,
 - (b) regulators maintain registers of specified matters (but excepting information which under the regulations is, or is determined to be, commercially confidential and subject to any other exceptions specified in the regulations) which are open to public inspection,
 - (c) copies of entries in such registers, or of specified documents, may be obtained by members of the public.

Commencement Information

I23 Sch. 2 para. 8 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

- 9 Requiring or authorising regulators to carry out consultation in connection with the exercise of any of their functions (including consultation on any guidance they propose to issue in connection with the exercise of those functions), and providing for them to take into account representations made to them on consultation.

Commencement Information

I24 Sch. 2 para. 9 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

Enforcement and offences

- 10 (1) Conferring on regulators functions with respect to the monitoring and inspection of the carrying on of controlled activities, including—

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- (a) power to take samples or to make copies of information,
 - (b) power to arrange for preventive or remedial action to be taken at the expense of those carrying on the controlled activities.
- (2) Authorising regulators to appoint suitable persons to exercise any such functions and conferring powers (such as those specified in section 108(4) of the Environment Act 1995 (c. 25)) on persons so appointed.

Commencement Information

I25 Sch. 2 para. 10 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 11 (1) Authorising regulators to serve on any persons carrying on controlled activities (whether or not the carrying on of those activities is authorised by or under the regulations) notices, including notices requiring them—
- (a) to notify the controlled activities being carried on by them,
 - (b) to take preventive or remedial action at their own expense in respect of contraventions, actual or potential, of—
 - (i) in relation to activities being carried on under water use licences, any conditions to which the licences are subject,
 - (ii) in relation to activities being carried on subject to general binding rules, those rules,
 - (c) in relation to activities being carried on subject to registration, to take preventive or remedial action at their own expense where the activities are being carried on otherwise than as described in the registration,
 - (d) to provide such financial security as the regulators serving the notices consider appropriate pending the taking of preventive or remedial action required by virtue of paragraph (b) or (c),
 - (e) to take steps to remove imminent risks of serious adverse impacts on the status of the water environment (whether or not arising from any such contraventions),
 - (f) to stop the carrying on of controlled activities and to take such preventive or remedial action as may be specified in the notice.
- (2) Providing for the enforcement of such notices by civil proceedings.

Commencement Information

I26 Sch. 2 para. 11 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 12 Creating offences and dealing with matters relating to such offences, including—
- (a) the provision of defences, and
 - (b) evidentiary matters.

Commencement Information

I27 Sch. 2 para. 12 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 13 Enabling, where a person has been convicted of an offence under the regulations—

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- (a) a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment),
- (b) a regulator to arrange for such action at that person's expense.

Commencement Information

I28 Sch. 2 para. 13 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 14 (1) Conferring rights of appeal in respect of decisions made, notices served or other things done (or omitted to be done) under the regulations.
- (2) Making provision for (or for the determination of) matters relating to the making, considering and determination of such appeals (including provision for or in connection with the holding of inquiries or hearings).

Commencement Information

I29 Sch. 2 para. 14 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 15 (1) Making provision which, subject to any modifications that the Scottish Ministers consider appropriate, corresponds or is similar to any provision made by any of sections 157, 158 and 160 of the Environmental Protection Act 1990 (c. 43).
- (2) Making provision about the application of the regulations to the Crown.

Commencement Information

I30 Sch. 2 para. 15 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

PART 2

SUPPLEMENTARY PROVISIONS

- 16 The regulations may provide for specified provisions of the regulations to have effect in relation only to—
- (a) specified controlled activities,
 - (b) the carrying on of controlled activities in specified circumstances, or
 - (c) the carrying on of controlled activities by specified persons or descriptions of persons.

Commencement Information

I31 Sch. 2 para. 16 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 17 General binding rules may—
- (a) impose conditions or requirements,
 - (b) prescribe standards or objectives to be complied with or achieved,
 - (c) require standards or objectives specified in or under other enactments to be complied with or achieved.

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Commencement Information

I32 Sch. 2 para. 17 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 18 In connection with the imposition of conditions as mentioned in paragraph 5(6) the regulations may in particular provide—
- (a) for such conditions to be imposed in the light of any specified general principles and any directions or guidance given under the regulations,
 - (b) for such guidance to include guidance sanctioning reliance by a regulator on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to imposing a condition,
 - (c) for such conditions to be imposed by reference to agreements between or among holders of licences as to the carrying on by them of the controlled activities authorised by the licences.

Commencement Information

I33 Sch. 2 para. 18 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 19 The regulations may—
- (a) require any such scheme as is mentioned in paragraph 7 to be so framed that the fees and charges payable under the scheme—
 - (i) are determined in the light of any specified general principles and any directions or guidance given under the regulations,
 - (ii) are sufficient, taking one year with another, to cover such expenditure (whether or not incurred by the regulator to whom they are so payable) as is specified,
 - (b) authorise any such scheme to make different provision for different cases (and specify particular kinds of such cases).

Commencement Information

I34 Sch. 2 para. 19 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 20 (1) The regulations may provide for any such offence as is mentioned in paragraph 12 to be triable—
- (a) only summarily,
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence to be punishable—
- (a) on summary conviction by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 6 months), or
 - (ii) a fine not exceeding such amount as is specified (which must not exceed [^{F1}£40,000]),or both,
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 5 years), or

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(ii) a fine,
or both.

- (3) The regulations may provide for continuing offences and for any such offences to be punishable by a daily or other periodic fine of such amount as is specified (in addition to any punishment provided for in pursuance of sub-paragraph (2)).
- (4) The Scottish Ministers may by order substitute for the sum for the time being specified in sub-paragraph (2)(a)(ii) such other sum as appears to them to be justified by a change in the value of money appearing to them to have taken place since the last occasion on which the sum was fixed.

Textual Amendments

- F1** Word in Sch. 2 para. 20(2)(a)(ii) substituted (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), [Sch. 2 para. 6](#); S.S.I. 2004/420, art. 3, Sch. 1

Commencement Information

- I35** Sch. 2 para. 20 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

21 In this schedule—

“general binding rules” means rules specified in the regulations in pursuance of paragraph 3(2),

“notification” means notification of a proposal to carry on a controlled activity in accordance with any provision made in the regulations in pursuance of paragraph 4(1),

“registration” means registration under any provision made in the regulations in pursuance of paragraph 3(4)(b),

“the regulations” means regulations under section 20,

“regulators” has the meaning given in paragraph 2(1),

“specified” means specified in the regulations,

“water use licence” means a licence granted under any provision made in the regulations in pursuance of paragraph 3(4)(a).

Commencement Information

- I36** Sch. 2 para. 21 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

[^{F2}SCHEDULE 2A

(introduced by section 22)

REMEDIAL AND RESTORATION MEASURES REGULATIONS: OFFENCES

Textual Amendments

- F2** Sch. 2A inserted (1.1.2015) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), [ss. 109\(2\)](#), 116(1) (with s. 110); [S.S.I. 2014/348](#), [art. 2](#), Sch.

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Offences

- 1 Creating offences and dealing with matters relating to such offences, including—
 - (a) the provision of defences, and
 - (b) evidentiary matters.
- 2 Enabling, where a person has been convicted of an offence under the regulations, a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment).
- 3 Making provision which, subject to any modification that the Scottish Ministers consider appropriate, corresponds or is similar to any provision made by section 157 or 158 of the Environmental Protection Act 1990 (c.43).

Supplementary

- 4 (1) The regulations may provide for any such offence as is mentioned in paragraph 1 to be triable—
 - (a) only summarily,
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence which is triable only summarily to be punishable on conviction by—
 - (a) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (b) a fine not exceeding such amount as is specified (which must not exceed level 5 on the standard scale),or both.
- (3) The regulations may provide for any such offence which is triable either summarily or on indictment to be punishable—
 - (a) on summary conviction, by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (ii) a fine not exceeding such amount as is specified (which must not exceed the statutory maximum),or both,
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 2 years), or
 - (ii) a fine,or both.

Interpretation

- 5 In this schedule—
 - “ the regulations ” means regulations under section 22,
 - “ specified ” means specified in the regulations.]

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SCHEDULE 3

(introduced by section 33)

SUSTAINABLE URBAN DRAINAGE SYSTEMS: FURTHER AMENDMENTS

The 1968 Act

1 The 1968 Act is amended as follows.

Commencement Information

I37 Sch. 3 para. 1 in force at 30.11.2007 by [S.S.I. 2007/512](#), **art. 2(c)**

2 In section 1(1) (duty of Scottish Water to provide for sewerage)—

- (a) after “sewers” in the first place where it occurs insert “ and public SUD systems ”,
- (b) after “sewers” in the second place where it occurs insert “ and SUD systems ”.

Commencement Information

I38 Sch. 3 para. 2 in force at 30.11.2007 by [S.S.I. 2007/512](#), **art. 2(c)**

3 In section 2 (maintenance of public sewers etc.), after “sewers,” insert “ SUD systems,”.

Commencement Information

I39 Sch. 3 para. 3 in force at 30.11.2007 by [S.S.I. 2007/512](#), **art. 2(c)**

4 In section 3 (power to construct public sewers)—

- (a) in subsection (1)(a), after “sewer” insert “ or SUD system ”,
- (b) in subsection (2), after “sewer” insert “ or SUD system ”.

Commencement Information

I40 Sch. 3 para. 4 in force at 30.11.2007 by [S.S.I. 2007/512](#), **art. 2(c)**

5 In section 3A(2) (vesting of privately constructed sewers)—

- (a) after “sewer” in the first place where it occurs insert “ or SUD system ”,
- (b) after “sewer” in each other place where it occurs insert “ or system ”,
- (c) after “sewers” insert “ , SUD systems ”.

Commencement Information

I41 Sch. 3 para. 5 in force at 30.11.2007 by [S.S.I. 2007/512](#), **art. 2(c)**

6 In section 4 (Scottish Water may close or alter public sewers etc.)—

- (a) after “sewer” in the first and third places where it occurs insert “ , SUD system ”,

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- (b) after “sewer” in the second and fourth places where it occurs insert “ , system ”.

Commencement Information

I42 Sch. 3 para. 6 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 7 In section 7(1) (agreements between roads authorities and Scottish Water), after “sewers” insert “ , SUD systems ”.

Commencement Information

I43 Sch. 3 para. 7 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 8 In section 8(1) (agreements as to provision of sewers etc. for new premises)—
(a) after “sewers” in both places where it occurs insert “ , SUD systems ”,
(b) after “of” in the second place where it occurs insert “ SUD systems and ”.

Commencement Information

I44 Sch. 3 para. 8 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 9 In section 11(1) (Scottish Water to keep maps of sewers, drains etc.), after “drains” insert “ , SUD systems ”.

Commencement Information

I45 Sch. 3 para. 9 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 10 (1) Section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.) is amended as follows.
- (2) In subsection (1)—
(a) for “or private sewers” in the first place where those words occur substitute “ , private sewers or private SUD systems ”,
(b) after “sewers” in the second place where it occurs insert “ , SUD systems ”,
(c) after “entitled” in the second place where it occurs insert “ (a) ”,
(d) for “and surface water from those premises” substitute “ , and
(b) by means of those drains, private sewers or private SUD systems, to drain into those sewers, systems or works the surface water,
from those premises ”.
- (3) In subsection (2)—
(a) for “or sewers” substitute “ , sewers or SUD systems ”,
(b) after “sewers” in the second place where it occurs insert “ , SUD systems ”,
(c) for “or sewer” substitute “ , sewer or SUD system ”.
- (4) In subsection (3)—

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- (a) for “or sewers” substitute “, sewers or SUD systems ”,
- (b) after “sewers” in the second place where it occurs insert “, SUD systems ”,
- (c) for “or sewer” substitute “, sewer or SUD system ”,
- (d) after “sewer” in the second place where it occurs insert “, system ”.

(5) In subsection (8)—

- (a) for “or sewer” in both places where those words occur substitute “, sewer or SUD system ”,
- (b) after “sewers” insert “, SUD systems ”.

Commencement Information

I46 Sch. 3 para. 10 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

11 In section 14 (direction by Scottish Water as to manner of construction of works)—

- (a) in subsection (1)—
 - (i) for “or sewer” substitute “, sewer or SUD system ”,
 - (ii) after “sewer” in the second, third and fourth places where it occurs insert “, SUD system ”,
- (b) in subsection (5), after “sewer” in each place where it occurs insert “, SUD system ”,
- (c) in subsection (6), after “sewer” insert “, SUD system ”.

Commencement Information

I47 Sch. 3 para. 11 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

12 In section 15 (owner or occupier to remedy defects in drains etc.)—

- (a) in subsection (1), after “drains” in both places where it occurs insert “, SUD systems ”,
- (b) in subsection (5), after “drain” insert “, SUD system ”.

Commencement Information

I48 Sch. 3 para. 12 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

13 In section 16 (vesting of sewers and other works in Scottish Water)—

- (a) in subsection (1)—
 - (i) in paragraph (a), after “sewers” insert “, SUD systems ”,
 - (ii) in paragraph (c), after “sewers” in the first place where it occurs insert “ and private SUD systems ”,
 - (iii) in paragraph (cc), after “sewers” in the first place where it occurs insert “ and private SUD systems ”, and after “sewers” in the second place where it occurs insert “ and systems ”,
 - (iv) in paragraph (d), after “works” insert “ and SUD systems ”,
 - (v) in paragraph (e), after “works” insert “ and SUD systems ”,
- (b) in subsection (2)—
 - (i) after “sewers” in the first place where is occurs insert “, private SUD systems ”,

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- (ii) after “works” insert “ and SUD systems ”,
- (c) in subsection (3), after “drains” insert “ , SUD systems ”.

Commencement Information

I49 Sch. 3 para. 13 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 14 In section 16A (vesting of certain private sewers)—
- (a) in subsection (1), for “or” in the second place where it occurs substitute “ and any sewer or SUD system vested in a person ”,
 - (b) in subsection (2), after “sewer” insert “ or SUD system ”.

Commencement Information

I50 Sch. 3 para. 14 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 15 In section 17 (Scottish Water may take over private sewage treatment works)—
- (a) in subsection (1)—
 - (i) after “works” in the first place where it occurs insert “ or private SUD system ”,
 - (ii) after “works” in the second place where it occurs insert “ or system ”,
 - (b) in subsection (2)—
 - (i) after “works” in the first place where it occurs insert “ or a SUD system ”,
 - (ii) after “works” in the second place where it occurs insert “ or system ”,
 - (c) in subsection (4), after “works” insert “ and any SUD system ”,
 - (d) in subsection (5)—
 - (i) after “works” insert “ or a SUD system ”,
 - (ii) after “them” insert “ or it ”,
 - (iii) after “have” insert “ or it has ”,
 - (e) in subsection (6), after “works” insert “ or a SUD system ”.

Commencement Information

I51 Sch. 3 para. 15 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 16 In section 21(1) (buildings not to interfere with sewers), after “sewer” insert “ or SUD system ”.

Commencement Information

I52 Sch. 3 para. 16 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 17 In section 23 (restriction on working minerals)—
- (a) after “works” in the first place where it occurs insert “ , public SUD systems ”,
 - (b) after “works” in every other place where it occurs insert “ , SUD systems ”.

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Commencement Information

I53 Sch. 3 para. 17 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 18 In section 39 (Scottish Water to have right to sewage), after “sewers” insert “, SUD systems”.

Commencement Information

I54 Sch. 3 para. 18 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 19 In section 41 (breaking open of streets etc.), after “sewers” insert “, SUD systems”.

Commencement Information

I55 Sch. 3 para. 19 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 20 In section 45 (production of plans and information)—
- (a) after “sewer” in the first and second places where it occurs insert “, SUD system”;
 - (b) after “sewer” in the third and fourth places where it occurs insert “, system”.

Commencement Information

I56 Sch. 3 para. 20 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 21 In section 46 (certain matter not to be passed into drains)—
- (a) after “sewer” in the first place where it occurs insert “, public SUD system”;
 - (b) after “sewer” in the second and third places where it occurs insert “, SUD system”.

Commencement Information

I57 Sch. 3 para. 21 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 22 In section 48(1) (powers of entry)—
- (a) in paragraph (a), after “of” in the third place where it occurs insert “ a SUD system or ”;
 - (b) in paragraph (dd)—
 - (i) after “sewer” in the first place where it occurs insert “ or SUD system ”;
 - (ii) after “sewer” in the second place where it occurs insert “ or public SUD system ”;
 - (c) in paragraph (f)—
 - (i) after “sewers” in the first place where it occurs insert “, public SUD systems”;
 - (ii) after “sewers” in the second place where it occurs insert “, SUD systems”.

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Commencement Information

I58 Sch. 3 para. 22 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 23 In section 59 (interpretation)—
- (a) in subsection (1), in the definition of “sewage treatment works”, at the end insert “ but does not include a SUD system ”,
 - (b) in subsection (3), after “sewer” in both places where it occurs insert “ , SUD system ”.

Commencement Information

I59 Sch. 3 para. 23 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

- 24 In section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (acquisition of land by agreement for provision of sewerage system), after “sewers” insert “ , sustainable urban drainage systems ”.

Commencement Information

I60 Sch. 3 para. 24 in force at 30.11.2007 by [S.S.I. 2007/512](#), [art. 2\(c\)](#)

SCHEDULE 4

(introduced by section 34)

MODIFICATIONS OF PART III OF THE 1980 ACT

- 1 In section 22 (power to break open streets) of the 1980 Act—
- (a) the existing provision becomes subsection (1),
 - (b) after that subsection insert—
 - “(2) Paragraph 1 of Schedule 3 has effect in relation to works carried out by any person—
 - (a) in pursuance of an authorisation under section 23A(1), or
 - (b) in connection with the management, maintenance or renewal of a main or communication pipe laid by that person in pursuance of such an authorisation and vested in that person,
- as it has in relation to works carried out by Scottish Water.”

Commencement Information

I61 Sch. 4 para. 1 in force at 10.7.2008 by [S.S.I. 2008/269](#), [art. 2\(d\)](#)

- 2 In section 23 (power to lay mains etc.), after subsection (2) insert—
- “(2A) In relation to a main not vested in Scottish Water, Scottish Water may recover from the person in whom the main is vested any expenses reasonably

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incurred by Scottish Water under subsection (1) or (2) in connection with the inspection, repair, maintenance, alteration, renewal or removal of the main.

(2B) In relation to a main laid by any person in pursuance of an authorisation under section 23A(1), subsections (1) and (2) of this section, so far as relating to the inspection, repair, maintenance, alteration, renewal or removal of a main, apply to that person as they apply to Scottish Water.”

Commencement Information

I62 Sch. 4 para. 2 in force at 10.7.2008 for specified purposes by [S.S.I. 2008/269](#), [art. 2\(e\)](#)

PROSPECTIVE

- 3 (1) Section 24 (communication and supply pipes) of the 1980 Act is amended as follows.
- (2) In subsection (1), for “the water authority providing the supply” substitute “ Scottish Water ”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to the laying of any part of a service pipe in respect of which an authorisation under section 23A(1) is in force.”
- (4) In subsection (2), for “all water authorities” substitute “ Scottish Water ”.
- (5) In subsection (3)—
- at the beginning insert “ Subject to section 23A, ”,
 - for “the water authority and the authority” substitute “ Scottish Water and Scottish Water ”,
 - for “their” in both places where it occurs substitute “ its ”.
- (6) In subsection (4)—
- for “the water authority” substitute “ Scottish Water ”,
 - for “them” in both places where it occurs substitute “ it ”.

PROSPECTIVE

- 4 (1) Part II of Schedule 3 (provisions as to laying communication and supply pipes etc.) is amended as follows.
- (2) In paragraph 4, after sub-paragraph (2) insert—
- “(3) In relation to a service pipe not vested in Scottish Water, Scottish Water may recover from the person in whom the service pipe is vested any expenses reasonably incurred by Scottish Water under sub-paragraph (1) or (2) of this paragraph in connection with the inspection, repair, alteration, renewal, removal or replacement of the service pipe.
- (4) In relation to a communication pipe laid by any person in pursuance of an authorisation under section 23A(1) and vested in that person, sub-paragraphs (1) and (2) of this paragraph (except so far as conferring power to lay service pipes) apply to that person as they apply to Scottish Water.”

Changes to legislation: *Water Environment and Water Services (Scotland) Act 2003 is up to date with all changes known to be in force on or before 22 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In paragraph 6, after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply in relation to the laying of any part of a communication pipe in respect of which an authorisation under section 23A(1) is in force.”

PROSPECTIVE

5 In Schedule 4 (provisions to be incorporated in orders relating to water undertakings), in paragraph 34, after sub-paragraph (2) insert—

“(3) Scottish Water may, whether or not proceedings have been taken under this paragraph—

- (a) remove any pipe or apparatus attached without its consent to a pipe belonging to it or to a supply pipe,
- (b) carry out such works as it considers necessary in relation to any alteration made in, or apparatus attached to, a supply pipe without its consent,

and may recover from the person who attached the pipe or apparatus or, as the case may be, made the alteration any expenses reasonably incurred by it in doing so.”

[^{F3}SCHEDULE 5 Section 28A

INTERPRETATION OF DIRECTIVES FOR THE PURPOSES OF PART 1

Textual Amendments

- F3** Sch. 5 inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **2(6)** (as amended by [S.S.I. 2019/175](#), regs. 1(1)(b), **8(2)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

PART 1

THE DIRECTIVE

Introduction

- 1 (1) When interpreting the Directive for the purposes of Part 1 of this Act—
- (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the relevant authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of Scotland,
 - (b) a reference to Community legislation is to be read as a reference to [^{F4}assimilated] law,

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(c) the Directive is to be read subject to the following rules.

(2) In sub-paragraph 1(a)—

“exit day” has the meaning given by section 20 of the European Union (Withdrawal) Act 2018,

“relevant authority” means—

- (a) the Scottish Ministers,
- (b) SEPA,
- (c) any responsible authority.

Textual Amendments

- F4** Word in *sch. 5 para. 1(1)(b)* substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(a\)](#)

Modifications to the Articles

2 Article 2 is to be read as if—

- (a) in paragraph 24, for the words from “in Annex IX” to the end, there were substituted “ by the Priority Substances Directive, and under relevant [^{F5}assimilated] law which sets environmental quality standards ”,
- (b) in paragraph 37, for the words from “Directive 80/778/EEC” to the end, there were substituted “ Council Directive 98/83/EC on the quality of water intended for human consumption ”.

Textual Amendments

- F5** Word in *sch. 5 para. 2(a)* substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(b\)](#)

3 Article 3(9) is to be ignored.

4 Article 4 is to be read as if—

- (a) in paragraph 1—
 - (i) in sub-paragraph (a)(iv), for “Article 16(1) and (8)” there were substituted “ the Priority Substances Directive ”,
 - (ii) in sub-paragraph (b)(iii), for “paragraphs 2, 4 and 5 of Article 17” there were substituted “ the Groundwater Directive ”,
- (b) in paragraph 8, the reference to “other Community environmental legislation” were a reference to “[^{F6}assimilated] law relating to the environment”,
- (c) in paragraph 9, the reference to “the existing Community legislation” were a reference to “other relevant [^{F7}assimilated] law”.

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Textual Amendments

- F6** Word in sch. 5 para. 4(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(c\)](#)
- F7** Word in sch. 5 para. 4(c) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(d\)](#)

- 5 Article 7(2) is to be read as if—
- (a) for “at Community level under Article 16” there were substituted “ by the Priority Substances Directive ”,
 - (b) for “Directive [80/778/EEC](#) as amended by Directive [98/83/EC](#)” there were substituted “ the [^{F8}assimilated] law which implemented Council Directive [98/83/EC](#) on the quality of water intended for human consumption ”.

Textual Amendments

- F8** Word in sch. 5 para. 5(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(e\)](#)

- 6 Article 10 is to be ignored.
- 7 Article 11(3) is to be read as if—
- (a) in sub-paragraph (a), for the words from “to implement” to the end, there were substituted “ under [^{F9}assimilated] law for the protection of water ”,
 - (b) in sub-paragraph (j), in the fourth indent, for the words from “Directive [2009/31/EC](#)” to the end, there were substituted “ the [^{F10}assimilated] law which implemented Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide ”,
 - (c) in sub-paragraph (k)—
 - (i) for “action taken pursuant to Article 16,” there were substituted “ the Priority Substances Directive ”,
 - (ii) for “agreed pursuant to Article 16(2)” there were substituted “ in Annex X ”.

Textual Amendments

- F9** Word in sch. 5 para. 7(a) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(f\)](#)
- F10** Word in sch. 5 para. 7(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(g\)](#)

- 8 Article 12 is to be ignored.
- 9 Article 15 is to be ignored.
- 10 Article 24 is to be ignored.

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- 11 Annex II is to be read as if, in section 1.4—
- (a) in the second paragraph—
- (i) after “gathered under” there were inserted “ the ^[F11]assimilated] law which implemented ”,
- (ii) in sub-paragraph (ii), the reference to information gathered under Articles 9 and 15 of Directive 96/61/EC were a reference to relevant information gathered under the ^[F12]assimilated] law which implemented Articles 5(3), 14 and 24 of Directive 2010/75/EC of the European Parliament and of the Council on industrial emissions ”,
- (b) in the third paragraph—
- (i) at the start of sub-paragraph (i), there were inserted “^[F13]assimilated] law which implemented”,
- (ii) in sub-paragraph (ii), the reference to information gathered under Articles 7 and 17 of Directive 91/414/EEC were a reference to relevant information gathered under Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC”,
- (iii) in sub-paragraph (iii), for “Directive 98/8/EC” there were substituted “ Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.

Textual Amendments

- F11** Word in sch. 5 para. 11(a)(i) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(2)(h)**
- F12** Word in sch. 5 para. 11(a)(ii) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(2)(i)**
- F13** Word in sch. 5 para. 11(b)(i) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(2)(j)**

- 12 Annex IV is to be read as if—
- (a) in paragraph 1—
- (i) in sub-paragraph (iii), for “Directive 76/160/EEC” there were substituted “ ^[F14]assimilated] law which implemented Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC ”,
- (ii) in sub-paragraph (iv), after “under”, in both places it occurs, there were inserted “ the ^[F15]assimilated] law which implemented ”,
- (iii) in sub-paragraph (v)—
- (A) after “under”, there were inserted “ the ^[F16]assimilated] law which implemented ”,

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- (B) for “Directive [79/409/EEC](#)” there were substituted “the [^{F17}assimilated] law which implemented Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds ”,
- (b) in paragraph 2, the words “Community, national or local” were omitted.

Textual Amendments

- F14** Word in sch. 5 para. 12(a)(i) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(k)**
- F15** Word in sch. 5 para. 12(a)(ii) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(l)**
- F16** Word in sch. 5 para. 12(a)(iii)(A) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(m)**
- F17** Word in sch. 5 para. 12(a)(iii)(B) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(n)**

- 13 Annex V is to be read as if—
- (a) references in tables 1.2.1 to 1.2.5 to Directive [91/414/EC](#), in each place they occur, were references to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#),
- (b) references in tables 1.2.1 to 1.2.5 to Directive [98/8/EC](#), in each place they occur, were references to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products,
- (c) in section 1.3.1, in the unnumbered paragraph headed “Selection of monitoring points”, the fourth indent (referring to “the Information Exchange Decision [77/795/EEC](#)”) were omitted,
- (d) in section 1.3.5, for “Drinking Water Directive” there were substituted “ [^{F18}assimilated] law which implemented Council Directive [98/83/EC](#) on the quality of water intended for human consumption ”,
- (e) in section 1.4.3, for “Annex IX, Article 16 and under other relevant Community legislation” there were substituted “ the Priority Substances Directive and under relevant [^{F19}assimilated] law ”,
- (f) in the table in section 2.3.2, in the column for “good status”, for “other relevant Community legislation in accordance with Article 17” there were substituted “ the Groundwater Directive ”,
- (g) in section 2.4.5, for “the Directives concerned” there were substituted “ the Priority Substances Directive and the Groundwater Directive ”.

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Textual Amendments

- F18** Word in sch. 5 para. 13(d) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(o\)](#)
- F19** Word in sch. 5 para. 13(e) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(p\)](#)

- 14 Annex VI is to be read as if Part A were omitted.
- 15 Annex VII is to be read as if, in Part A, in point 7.1, for “to implement Community legislation” there were substituted “ under [^{F20}assimilated] law ”.

Textual Amendments

- F20** Word in sch. 5 para. 15 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(q\)](#)

Definition of [^{F21}assimilated] law

Textual Amendments

- F21** Word in sch. 5 para. 16 cross-heading substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(r\)](#)

- 16 For the purposes of this Part, “[^{F22}assimilated] law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018.

Textual Amendments

- F22** Word in sch. 5 para. 16 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(s\)](#)

PART 2

THE GROUNDWATER DIRECTIVE

Introduction

- 17 (1) When interpreting the Groundwater Directive for the purposes of Part 1 of this Act—
- (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the relevant authority which, immediately before

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- exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of Scotland,
- (b) a reference to Community legislation is to be read as a reference to [F23assimilated] law,
- (d) the Groundwater Directive is to be read subject to the following rules.
- (2) In sub-paragraph 1(a)—
- “exit day” has the meaning given by section 20 of the European Union (Withdrawal) Act 2018,
- “relevant authority” means—
- (a) the Scottish Ministers,
- (b) SEPA,
- (c) any responsible authority.

Textual Amendments

F23 Word in *sch. 5 para. 17(1)(b)* substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(3\)\(a\)](#)

Modifications to the Articles

- 18 Article 3(5) is to be read as if for “submitted” there were substituted “ produced ”.
- 19 Article 5(4) and (5) is to be read as if for “submitted” there were substituted “ produced ”.
- 20 Article 6(4) is to be read as if the words from “for the” to the end were omitted.
- 21 Article 12 is to be ignored.
- 22 Annex I is to be read as if—
- (a) in footnote 1 to the table in paragraph 1, for “Article 2 of Directive [91/414/EEC](#) and in Article 2 of Directive [98/8/EC](#)” there were substituted “ Article 2 of Regulation (EC) No [1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#) and in Article 3 of Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”,
- (b) in paragraph 2, for “Directive [91/414/EEC](#) or Directive [98/8/EC](#)” there were substituted “ Regulation (EC) No [1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#) or Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.
- 23 Annex II is to be read as if, in Part C—
- (a) in the first paragraph, for “submitted” there were substituted “ produced ”,
- (b) in the second paragraph—
- (i) in the opening words, for “provide” there were substituted “ include ”,

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(ii) in point (c)(iii), for “at national, Union or” there were substituted “in [F24assimilated] law or other national legislation, or at ”.

Textual Amendments

F24 Word in sch. 5 para. 23(b)(ii) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(3)(b)**

Definition of [F25assimilated] law

Textual Amendments

F25 Word in sch. 5 para. 24 cross-heading substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(3)(c)**

24 For the purposes of this Part, “[F26assimilated] law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018.

Textual Amendments

F26 Word in sch. 5 para. 24 substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(3)(d)**

PART 3

THE PRIORITY SUBSTANCES DIRECTIVE

Introduction

- 25 (1) When interpreting the Priority Substances Directive for the purposes of Part 1 of this Act—
- (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the relevant authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of Scotland,
 - (b) the Priority Substances Directive is to be read subject to the following rules.
- (2) In sub-paragraph (1)(a)—
- “exit day” has the meaning given by section 20 of the European Union (Withdrawal) Act 2018,
 - “relevant authority” means—
 - (a) the Scottish Ministers,
 - (b) SEPA,
 - (c) any responsible authority.

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Modifications to Articles

- 26 (1) A reference in Article 3 to a provision of the relevant Directive is to be read as a reference to that provision subject to the modification described by paragraph 25(1) (a) of this schedule.
- (2) Article 3(5a) is to be ignored.
- (3) In sub-paragraph (1), “the relevant Directive” means Commission Directive [2009/90/EC](#) laying down, pursuant to Directive [2000/60/EC](#) of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.
- 27 Article 4 is to be read as if—
- (a) in paragraph 2(b), the words from “, such as” to the end were omitted,
- (b) in paragraph 3(b), the reference to “Community law” were a reference to [F27assimilated] law.

Textual Amendments

F27 Word in [sch. 5 para. 27\(b\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(4\)\(a\)](#)

- 28 Article 5 is to be read as if—
- (a) references to Directive [91/414/EEC](#) were references to Regulation [\(EC\) No 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#),
- (b) paragraph 3 were omitted.
- 29 The following are to be ignored—
- (a) Article 6(2),
- (b) Article 7a(3),
- (c) in Article 8a(1), the final sentence of the second sub-paragraph,
- (d) Article 8b(4),
- (e) Article 8c,
- (f) Article 13.

Definition of [F28assimilated] law

Textual Amendments

F28 Word in [sch. 5 para. 30 cross-heading](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(4\)\(b\)](#)

- 30 For the purposes of this Part, “[F29assimilated] law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018.]

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Textual Amendments

- F29** Word in sch. 5 para. 30 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(4\)\(c\)](#)

Changes to legislation:

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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\(6\)\(b\)](#)