



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 3

MEASURES FOR PROTECTION OF THE WATER ENVIRONMENT

20 Regulation of controlled activities

- (1) The Scottish Ministers may by regulations make such provision for or in connection with regulating any activity (a “controlled activity”) as they consider necessary or expedient for the purposes of protection of the water environment.
- (2) Such regulations may, in particular—
 - (a) make provision for or in connection with regulating the activities specified in subsection (3),
 - (b) otherwise make such provision for or in connection with the basic measures and supplementary measures mentioned in paragraph 2 of Article 11 of the Directive as the Scottish Ministers consider necessary or expedient for the purpose of facilitating the achievement of the environmental objectives set out in river basin management plans.
- (3) The activities referred to in subsection (2)(a) are—
 - (a) activities liable to cause pollution of the water environment,
 - ^[F1](b) abstraction of water from the water environment,
 - (c) construction, alteration or operation of impounding works in surface water or wetlands,
 - (d) carrying out building or engineering works, or works other than those referred to in paragraph (c)—
 - (i) in inland water (other than groundwater) or wetlands, or

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- (ii) in the vicinity of inland water or wetlands and having or likely to have a significant adverse effect on the water environment,
- (da) artificial recharge or augmentation of groundwater,]
- (4) The provision which may be made in regulations under this section includes provision for any of the purposes specified in Part 1 of schedule 2.
- (5) Part 2 of that schedule has effect for supplementing Part 1.
- (6) In subsection (3)—
 - [^{F2}“abstraction” means the doing of anything whereby any water is removed or diverted by mechanical means, pipe or any engineering structure or works from any part of the water environment, whether temporarily or permanently, including anything whereby the water is so removed or diverted for the purpose of being transferred to another part of the water environment, and includes—
 - (a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted, and
 - (b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work,]
 - [^{F3}“impounding works” means in relation to surface water—
 - (a) any dam, weir or other works by which water may be impounded,
 - (b) any works diverting the flow of water in connection with the construction or alteration of any dam, weir or other works falling within paragraph (a),]
 - “pollution”, in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm; and “harm” means—
 - (a) harm to the health of human beings or other living organisms,
 - (b) harm to the quality of the water environment, including—
 - (i) harm to the quality of the water environment taken as a whole,
 - (ii) other impairment of, or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,
 - (c) offence to the senses of human beings,
 - (d) damage to property, or
 - (e) impairment of, or interference with, amenities or other legitimate uses of the water environment.
- (7) This section is without prejudice to section 22.

Textual Amendments

- F1** S. 20(3)(b)-(da) substituted for s. 20(3)(b)-(d) (1.4.2006) by [Water Environment \(Controlled Activities\) 9Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), regs. 1(2), **3(2)** (with regs. 4, 50)
- F2** Words in s. 20(6) substituted (1.4.2006) by [Water Environment \(Controlled Activities\) 9Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), regs. 1(2), **3(3)(a)** (with regs. 4, 50)
- F3** Words in s. 20(6) substituted (1.4.2006) by [Water Environment \(Controlled Activities\) 9Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), regs. 1(2), **3(3)(b)** (with regs. 4, 50)

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Commencement Information

II S. 20 in force at 15.12.2003 by [S.S.I. 2003/562](#), **art. 2(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\(3\)](#)

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