



# Water Environment and Water Services (Scotland) Act 2003

## 2003 asp 3

### PART 1

#### PROTECTION OF THE WATER ENVIRONMENT

#### CHAPTER 2

#### RIVER BASIN MANAGEMENT PLANNING

#### *River basin districts*

#### [<sup>F1</sup>5A Shellfish water protected areas

- (1) The Scottish Ministers may by order (in this section, a “designation order”) designate an area of coastal water or transitional water as a shellfish water protected area for the purposes of this Part.
- (2) An area of coastal water or transitional water may be designated under subsection (1) only if the Scottish Ministers consider it necessary or desirable to do so for the protection or development of economically significant shellfish production.
- (3) The Scottish Ministers must review each designation order—
  - (a) by 22 December 2019, and
  - (b) by each date falling every 6 years (or such lesser period as the Scottish Ministers may determine) after 22 December 2019.
- (4) Subsection (3) applies to a designation order which comes into force after 22 December 2019 as if paragraph (a) were omitted.
- (5) A designation order which would, apart from this subsection, fall to be reviewed under subsection (3) by a particular date need not be reviewed by that date if the order came into force less than 6 months before that date; but must otherwise be reviewed in accordance with that subsection.

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*Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, Section 5A is up to date with all changes known to be in force on or before 26 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*

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- (6) A designation order may identify the area of coastal water or transitional water by reference to a map prepared for the purposes of the order and laid before the Scottish Parliament.
- (7) The Scottish Ministers must send SEPA a copy of—
- (a) a designation order, and
  - (b) any map prepared in pursuance of subsection (6).]

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#### **Textual Amendments**

- F1** S. 5A inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), ss. **54(2)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

**Changes to legislation:**

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