



# Water Resources (Scotland) Act 2013

## 2013 asp 5

### PART 1

#### DEVELOPMENT OF WATER RESOURCES

#### 1 Duty of the Scottish Ministers

- (1) The Scottish Ministers must—
  - (a) take such reasonable steps as they consider appropriate for the purpose of ensuring the development of the value of Scotland's water resources,
  - (b) do so in ways designed to promote the sustainable use of the resources.
- (2) In fulfilling the duty under subsection (1), the Scottish Ministers are to act so far as is consistent with the proper exercise of their—
  - (a) functions under the 2003 Act and the 2009 Act,
  - (b) other functions (whether or not relating to water resources or environmental matters).
- (3) In subsection (1), the reference to the value of water resources—
  - (a) means the value of the resources on any basis (including their monetary or non-monetary worth),
  - (b) extends to the economic, social, environmental or other benefit deriving from the use of the resources (or any activities in relation to them).
- (4) In this section—

“the 2009 Act” means the Climate Change (Scotland) Act 2009,

“water resources” means wetland, inland water and transitional water as defined by section 3 of the 2003 Act.

#### Commencement Information

**II** [S. 1](#) in force at 10.6.2013 by [S.S.I. 2013/163](#), [art. 3](#), [Sch.](#)

*Changes to legislation: There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013, PART 1. (See end of Document for details)*

## 2 Involvement of public bodies

- (1) For the purpose of securing its participation in development of the kind mentioned in section 1(1), the Scottish Ministers may give a designated body directions as to the exercise of its functions.
- (2) Directions under subsection (1) may be—
  - (a) of a general or specific character,
  - (b) for collective or individual application.
- (3) Before giving directions under subsection (1), the Scottish Ministers are to consult each body to which they would apply.
- (4) A body must comply with directions under subsection (1) applying to it.
- (5) Directions under subsection (1) may vary or revoke earlier such directions.
- (6) This section is without prejudice to any other enactment providing for the Scottish Ministers to give directions to a designated body.

### Commencement Information

**I2** S. 2 in force at 10.6.2013 by S.S.I. 2013/163, art. 3, Sch.

## 3 Designation of bodies

- (1) In section 2, the references to a designated body are to any of the following—
  - (a) Scottish Water,
  - (b) the Scottish Environment Protection Agency,
  - (c) Scottish Natural Heritage,
  - (d) Scottish Enterprise,
  - (e) Highlands and Islands Enterprise <sup>F1</sup>,
  - (f) the Water Industry Commission for Scotland <sup>F2</sup>,
  - (g) South of Scotland Enterprise]
- (2) The Scottish Ministers may by regulations modify the list in subsection (1) by—
  - (a) adding a public body,
  - (b) updating or removing an entry.
- (3) Before making regulations under subsection (2), the Scottish Ministers are to consult each body to which the modification would relate.
- (4) Regulations under subsection (2) are subject to the negative procedure.

### Textual Amendments

**F1** S. 3(1)(f) inserted (9.12.2017) by [The Development of Water Resources \(Designated Bodies Modification\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/347\)](#), regs. 1, 2

**F2** S. 3(1)(g) inserted (16.10.2019) by [South of Scotland Enterprise Act 2019 \(asp 9\)](#), s. 24(2), [sch. 2 para. 8](#); S.S.I. 2019/308, reg. 2

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**Commencement Information**

**I3** S. 3 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

**4 Reports on steps taken**

- (1) The Scottish Ministers—
  - (a) for each successive period of 12 months within the 3 years beginning with the date on which section 1(1) comes into force, must prepare an annual report on how (and the extent to which) they have fulfilled the duty under that section during the relevant period,
  - (b) from time to time as they consider appropriate, may prepare a further report on how (and the extent to which) they have fulfilled the duty under section 1(1) during any subsequent period of at least 3 years.
- (2) A report may include such additional information as the Scottish Ministers consider appropriate.
- (3) A report is to be laid before the Scottish Parliament as soon as reasonably practicable after the end of the period to which the report relates.

**Commencement Information**

**I4** S. 4 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013, PART 1.