



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1 **S**

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 4 **S**

SUPPLEMENTARY

^{F1}25 Power to give effect to Community obligations etc. **S**

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Textual Amendments

- F1** S. 25 repealed (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, 2

^{F2}26 Annual report on implementation of Directive **S**

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Textual Amendments

- F2** S. 26 repealed (10.6.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), s. 56(1)(2), [Sch. 4 para. 2](#); [S.S.I. 2013/163](#), art. 3, Sch.

Commencement Information

- I1** S. 26 in force at 15.12.2003 by [S.S.I. 2003/562](#), [art. 2\(d\)](#)

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27 Availability of documents for public inspection **S**

Where, under this Part, any order, map, plan, register or other document is to be made available for public inspection, it—

- (a) must be made available—
 - (i) in print, and
 - (ii) electronically, and
- (b) may be made available by such other means, or in such other formats, as the person required to make it available thinks fit for the purpose of encouraging the inspection of it by members of the public.

Commencement Information

I2 S. 27 in force at 15.12.2003 by [S.S.I. 2003/562](#), [art. 2\(d\)](#)

28 Interpretation of Part 1 **S**

(1) In this Part, unless the context otherwise requires—

“body of groundwater” means a distinct volume of groundwater within one or more aquifers; and “aquifer” means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater,

“body of inland surface water” means a body of surface water which is also inland water,

“body of surface water” means a discrete and significant element of surface water such as a loch, a stream, river, canal or other watercourse, part of a loch, stream, river, canal or other watercourse, a body of transitional water or a stretch of coastal water,

“body of water” means a body of groundwater or a body of surface water,

“coastal water” has the meaning given in section 3,

“controlled activity” is to be construed in accordance with section 20,

“the Directive” has the meaning given in section 1,

“groundwater” has the meaning given in section 3,

[^{F3}“the Groundwater Directive” means Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration ^{F4}, as amended by Commission Directive [2014/80/EU](#)^{F5},]

“inland water” has the meaning given in section 3,

“loch” means a body of standing inland surface water,

[^{F6}“the Priority Substances Directive” means Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives [82/176/EEC](#), [83/513/EEC](#), [84/156/EEC](#), [84/491/EEC](#), [86/280/EEC](#) and amending Directive [2000/60/EC](#) of the European Parliament and of the Council ^{F7}, as amended by Directive [2013/39/EU](#) of the European Parliament and of the Council^{F8},]

“protection of the water environment” has the meaning given in section 1,

“responsible authority” is to be construed in accordance with section 2,

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“river basin” means an area of land from which all surface run-off water flows through a connected sequence of streams, rivers or other watercourses or lochs into the sea at a single river mouth, estuary or delta and includes any body of transitional water in the vicinity of that river mouth, estuary or delta,

“river basin district” means an area designated as such by an order under section 4(1),

“river basin management plan” means such a plan approved by the Scottish Ministers under section 13 (including that section as applied by section 14(4)),

“SEPA” means the Scottish Environment Protection Agency,

[^{F9} “shellfish” includes crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish,

“shellfish water protected area” means an area of coastal water or transitional water designated by order under section 5A(1),]

“sub-basin plan” has the meaning given in section 15,

“surface water” has the meaning given in section 3,

“the territorial sea of the United Kingdom adjacent to Scotland” has the same meaning as it has for the purposes of the Scotland Act 1998 (c. 46),

“transitional water” has the meaning given in section 3,

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows and includes artificial watercourses and underground watercourses,

“the water environment” has the meaning given in section 3.

- (2) In this Part, any reference to any loch or any river or other watercourse includes a reference to the bottom, channel or bed of any loch, river or, as the case may be, other watercourse which is for the time being dry.
- (3) Any word or expression used in both this Part and the Directive and not otherwise defined in this Part has the same meaning for the purposes of this Part as it has for the purposes of the Directive.

Textual Amendments

- F3** Words in s. 28(1) inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **2(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** OJ L 372, 27.12.2006, p.19.
- F5** OJ L 182, 21.6.2014, p.52.
- F6** Words in s. 28(1) inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **2(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** OJ L 348, 24.12.2008, p.84.
- F8** OJ L 226, 24.8.2013, p.1.
- F9** Words in s. 28(1) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 54(6)**, **66(2)** (with s. 65); S.S.I. 2013/249, art. 2

Modifications etc. (not altering text)

- C1** S. 28(1) modified (25.11.2009) by [Water Environment \(Groundwater and Priority Substances\) \(Scotland\) Regulations 2009 \(S.S.I. 2009/420\)](#), regs. 1, **3(b)**

Commencement Information

- I3** S. 28 in force at 15.12.2003 by [S.S.I. 2003/562](#), **art. 2(d)**

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[^{F10}**28A Interpretation of Directives for the purposes of Part 1** **S**]

For the purposes of this Part—

- (a) the Directive is to be interpreted in accordance with Part 1 of schedule 5,
- (b) the Groundwater Directive is to be interpreted in accordance with Part 2 of that schedule, and
- (c) the Priority Substances Directive is to be interpreted in accordance with Part 3 of that schedule.]

Textual Amendments

F10 S. 28A inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **2(5)**; 2020 c. 1, Sch. 5 para. 1(1)

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