



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 1

PURPOSE, GENERAL DUTIES AND DEFINITIONS

3 The water environment: definitions

- (1) The following provisions have effect for the interpretation of this Part.
- (2) “The water environment” means all surface water, groundwater and wetlands.
- (3) “Surface water” means inland water (other than groundwater), transitional water and coastal water.
- (4) “Groundwater” means water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.
- (5) “Wetland” means an area of ground the ecological, chemical and hydrological characteristics of which are attributable to frequent inundation or saturation by water and which is directly dependent, with regard to its water needs, on a body of groundwater or a body of surface water.
- (6) “Inland water” means—
 - (a) all standing or flowing water on the surface of the land (other than transitional water), and
 - (b) all groundwater,
within the landward limits of coastal water.
- (7) “Transitional water” means water (other than groundwater) in the vicinity of river mouths which is partly saline in character as a result of its proximity to coastal water but which is substantially influenced by freshwater flows.

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, Section 3 is up to date with all changes known to be in force on or before 24 July 2019. 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

- (8) “Coastal water” means water (other than groundwater) within the area extending landward from the 3 mile limit up to the limit of the highest tide or, where appropriate, the seaward limits of any bodies of transitional water, but does not include any water beyond the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland.
- (9) “The 3 mile limit” means the limit consisting of a line every point of which is at a distance of 3 miles on the seaward side from the nearest point of the baseline from which the breadth of the territorial sea of the United Kingdom adjacent to Scotland is measured; and “miles” means international nautical miles of 1,852 metres.
- (10) Nothing in this Part applies to any water contained in—
- (a) artificial swimming pools,
 - (b) mains or other pipes belonging to Scottish Water or which are used by Scottish Water or any other person for the purpose only of providing a supply of water to any premises,
 - (c) water treatment works,
 - (d) sewers and drains which drain into sewers,
 - (e) sewage treatment works,
 - (f) artificially created systems for the treatment of pollutants.
- (11) The Scottish Ministers—
- (a) must deposit with SEPA maps showing what appear to them to be the landward and seaward limits of every body of transitional water,
 - (b) may, if they consider it appropriate to do so, deposit with SEPA maps showing the landward and seaward limits of coastal water,
 - (c) may, if they consider it appropriate to do so by reason of any change of what appears to them to be any of the limits referred to in paragraphs (a) and (b), deposit a map showing the revised limits.
- (12) SEPA must make the maps deposited with it under subsection (11) available, at all reasonable times, for public inspection free of charge.
- (13) In subsection (8), “the seaward limits of any bodies of transitional water” means the places for the time being shown as such in the latest map deposited under subsection (11).

Commencement Information

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

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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\(6\)\(b\)](#)
- s. 28A inserted by [S.S.I. 2019/26 reg. 2\(5\)](#)
- sch. 5 inserted by [S.S.I. 2019/26 reg. 2\(6\)](#)
- sch. 5 para. 19 word inserted by [S.S.I. 2019/26, reg. 2\(6\) \(as amended\) by S.S.I. 2019/175 reg. 8\(2\)](#)