



Water Resources (Scotland) Act 2013

2013 asp 5

PART 2

CONTROL OF WATER ABSTRACTION

Introduction

7 Exemption from approval

- (1) A qualifying abstraction is exempt if, on the day on which this subsection comes into force, it is subject to an authorisation under the Controlled Activities Regulations.
- (2) The exemption under subsection (1) comes to an end if the authorisation subsequently—
 - (a) is varied so as to relate to a greater rate of abstraction than that to which it relates on the day mentioned in that subsection, or
 - (b) ceases to have effect for any reason, except temporarily.
- (3) A qualifying abstraction is exempt if it is carried out for the sole or principal purpose of the exercise by Scottish Water of its core functions in relation to premises in Scotland.
- (4) A qualifying abstraction is exempt if it is carried out for the sole or principal purpose of—
 - (a) generating electricity by hydro-power,
 - (b) irrigating agricultural or horticultural land,
 - (c) operating a fish farm, or
 - (d) maintaining a quarry or a coal or other mine.
- (5) In subsection (3), the reference to Scottish Water's core functions is to be construed in accordance with section 70(2) of the 2002 Act.
- (6) The Scottish Ministers may by regulations—
 - (a) modify any of the exemptions under this section,
 - (b) specify further circumstances in which a qualifying abstraction is exempt from their approval under this Part.