

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 1

REGULATION OF ENVIRONMENTAL ACTIVITIES ETC.

Water Environment and Water Services (Scotland) Act 2003

- 8 (1) The Water Environment and Water Services (Scotland) Act 2003 is amended as follows.
- (2) In section 2 (the general duties), in subsection (8), in the definition of “the relevant enactments”, after “Part” insert “, Part 3 of the Regulatory Reform (Scotland) Act 2014”.
- (3) Section 20 (regulation of controlled activities) is repealed.
- (4) Section 21 (controlled activities regulations: procedure) is repealed.
- (5) In section 22 (remedial and restoration measures)—
- (a) in subsection (2)(a), the words “(as defined in section 20(6))” are repealed,
 - (b) after subsection (3) insert—
 - “(4) In subsection (2)(a), “pollution” in relation to the water environment means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm; and “harm” means—
 - (a) harm to the health of human beings or other living organisms,
 - (b) harm to the quality of the water environment, including—
 - (i) harm to the quality of the water environment taken as a whole,
 - (ii) other impairment of, or interference with the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,
 - (c) offence to the senses of human beings,
 - (d) damage to property, or
 - (e) impairment of, or interference with, amenities or other legitimate uses of the water environment.”.
- (6) In section 23 (fixing of charges for water services)—
- (a) in paragraph (a) of subsection (4), the words “(as defined in section 20(6))” are repealed,
 - (b) after that subsection insert—
 - “(5) In subsection (4)(a), “abstraction” means the doing of anything by which any water is removed or diverted by mechanical means, pipe or any engineering structure or works from any part of the water environment, whether temporarily or permanently, including anything by which the water is so removed or diverted for

Status: This is the original version (as it was originally enacted).

the purpose of being transferred to another part of the water environment, and includes—

- (a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted,
- (b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work.”.

- (7) In section 28 (interpretation of Part 1), the definition of “controlled activity” is repealed.
- (8) In section 36 (orders and regulations)—
 - (a) in each of subsections (3), (5) and (6) the word “20,” is repealed,
 - (b) in subsection (4), paragraph (b) and the “or” immediately preceding it are repealed.
- (9) In schedule 1 (matters to be included in river basin management plans), in paragraph 10(b), for the words “schedule 2” substitute “paragraph 3(1) of schedule 2 to the Regulatory Reform (Scotland) Act 2014”.
- (10) Schedule 2 (controlled activities regulations: particular purposes) is repealed.