

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No. 178**

**WATER**

**The Surface Waters (Fishlife) (Classification)  
(Scotland) Amendment Regulations 2007**

<i>Made</i>	- - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th March 2007</i>
<i>Coming into force</i>	- -	<i>31st March 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 30B and 104(1) of the Control of Pollution Act 1974<sup>(1)</sup> and section 2(2) of the European Communities Act 1972<sup>(2)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Surface Waters (Fishlife) (Classification) (Scotland) Amendment Regulations 2007, come into force on 31st March 2007 and extend to Scotland only.

**Amendments to the Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997**

2.—(1) The Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997<sup>(3)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In paragraph (2) of regulation 1 (interpretation), for “Directive [78/659/EEC](#) (the quality of fresh waters needing protection or improvement in order to support fishlife)” substitute “Directive [2006/44/EC](#) of the European Parliament and of the Council on the quality of fresh waters needing protection or improvement in order to support fishlife <sup>(4)</sup> (“Directive [2006/44/EC](#)”)”.

(3) In paragraph (a) of regulation 6 (modification of section 30C of the Control of Pollution Act 1974), for “Directive [78/659/EEC](#)” substitute “Directive [2006/44/EC](#)”.

- 
- (1) [1974 c. 40](#); section 30B was inserted, as part of a substitution of a new Part II of the Act, by the Water Act 1989 ([c. 15](#)), section 169 and Schedule 23, paragraph 4; section 104(1) was amended by the Water Act 1989, section 169 and Schedule 23, paragraph 7 and by the Environment Act 1995 ([c. 25](#)), Schedule 22, paragraph 29(34). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c. 46](#)) (“the 1998 Act”).
- (2) [1972 c. 68](#); section 2(2) is relevantly amended by the 1998 Act, Schedule 8, paragraph 15(3). The function conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) S.I.1997/2471, as amended by S.S.I. 2003/85.
- (4) O.J. No. L 264, 25.9.06, p.20.

(4) In paragraph (1) of regulation 7 (information required in connection with implementation of the Directive), for “Directive 78/659/EEC” substitute “Directive 2006/44/EC”.

(5) In the heading to column 1 of the table contained in Part I of the Schedule (criteria for classification of waters as salmonid and cyprinid waters), for “No. in Annex 1 to 78/659/ EEC” substitute “No. in Annex 1 to Directive 2006/44/EC”.

St Andrew’s House,  
Edinburgh  
6th March 2007

*SARAH H BOYACK*  
Authorised to sign by the Scottish Ministers

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, amend the Surface Waters (Fishlife) (Classification) (Scotland) Regulations 1997 (“the 1997 Regulations”).

These amendments update the 1997 Regulations to reflect the consolidation of Council Directive [78/659/EEC](#) and its amendments in Directive [2006/44/EC](#) of the European Parliament and of the Council on the quality of fresh waters needing protection or improvement in order to support fishlife (O.J. No. L 264, 25.9.06, p.20).

The 1997 Regulations as amended prescribe a system for classifying the quality of controlled waters which are fresh waters which need protection or improvement in order to support fishlife.