
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

PART I

General

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Water Environment and Water Services (Scotland) Act 2003;

“an application” means an application made in accordance with regulation 11 or, if regulation 18(1) applies, an application made in accordance with regulation 18(4);

“authorisation” means an authorisation under regulation 6, 7 or 8;

“category 1 or 2 responder” means a person or body listed in Schedule 1 to the Civil Contingencies Act 2004 (category 1 and 2 responders)(1);

“controlled activity” is any activity referred to in regulation 3(1);

“the Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy as amended(2);

“the EIA Directive” means Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment(3);

“the Groundwater Directive 1980” means Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances(4);

“the Groundwater Directive 2006” means Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(5);

“general binding rules” has the meaning given in regulation 6;

“hazardous substance” means a substance identified in accordance with Schedule 2;

“land” includes land covered by water, and any works, plant or fixed machinery, building or other structure in, on or over land;

“operator” means, in relation to a controlled activity, any person who carries on or has control over the carrying on of that activity;

(1) [2004 c.36](#).

(2) O.J. No. L 327, 22.12.2000, p.1; amended by decision [2455/2001/EC](#) of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive [2000/60/EC](#) (O.J. No. L 331, 15.12.2001, p.1).

(3) O.J. No. L 175, 5.7.1985, p.40; amended by Council Directive [97/11/EC](#) (O.J. No. L 73, 14.3.1997, p5), by Directive [2003/35/EC](#) of the European Parliament and the Council (O.J. No. L 156, 25.6.2003, p 17), and by Directive [2009/31/EC](#) of the European Parliament and the Council (O.J. No. L 140, 5.6.2009, p 114).

(4) O.J. L 020, 26.1.1980, p.43.

(5) O.J. L 372, 27.12.2006, p.19.

- “person” includes a body corporate, limited liability partnership and Scottish partnership;
- “pollutant” means any substance or heat liable to cause pollution, including those listed in Schedule 1, and for the purposes of this definition “substance” includes bacteria and other pathogens;
- “premises” includes any land, vehicle, vessel or mobile plant;
- “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⁽⁶⁾;
- “the register” means the register maintained by SEPA under regulation 37;
- “registration” means an authorisation granted under regulation 7;
- “responsible authority” has the meaning given to it by section 2 of the Act (the general duties);
- “responsible person” means the person who is responsible for securing compliance with the terms of a water use licence and has been identified as such by SEPA in accordance with regulation 8(6), and includes—
- (a) if the responsible person has been adjudged bankrupt or the estate of the responsible person is sequestrated, the trustee in bankruptcy;
 - (b) if an executor has been appointed to the responsible person’s estate, the executor;
 - (c) if the responsible person is a company, and—
 - (i) a receiver has been appointed, the receiver;
 - (ii) an administrator has been appointed, the administrator;
 - (iii) a liquidator has been appointed, the liquidator;
- “SEPA” means the Scottish Environment Protection Agency; and
- “water use licence” means an authorisation granted under regulation 8.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15 of the Electronic Communications Act 2000 (general interpretation)⁽⁷⁾ which has been recorded in written form and is capable of being reproduced in that form.

⁽⁶⁾ O.J. L 348, 24.12.2008, p.84.

⁽⁷⁾ [2000 c.7](#); amended by the Communications Act [2003 \(c.21\)](#).