

Draft Regulations laid before the Scottish Parliament under section 36(6) of the Water Environment and Water Services (Scotland) Act 2003, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

ENVIRONMENTAL PROTECTION

**The Water Environment and Water Services (Scotland)
Act 2003 (Modification of Part 1) Regulations 2015**

Made - - - - 2015
Coming into force - - 14th September 2015

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 25 and 36(2) of the Water Environment and Water Services (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 36(6) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015 and come into force on 14th September 2015.

(2) In these Regulations—

“related right”, in relation to an EU obligation, includes any derogation or other right to make more onerous provisions available in respect of that obligation; and

“relevant EU obligations” means EU obligations of the United Kingdom in connection with—

- (a) amendments to [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy⁽³⁾ by—
 - (i) Decision No [2455/2001/EC](#) of the European Parliament and of the Council⁽⁴⁾;
 - (ii) [Directive 2008/32/EC](#) of the European Parliament and of the Council⁽⁵⁾;
 - (iii) [Directive 2008/105/EC](#) of the European Parliament and of the Council⁽⁶⁾;

(1) [2003 asp 3](#). Section 25(1) was amended by [S.I. 2011/1043](#).
(2) Section 36(6) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).
(3) OJ L 327, 22.12.2000, p.1.
(4) OJ L 331, 15.12.2001, p.1.
(5) OJ L 81, 20.3.2008, p.60.
(6) OJ L 348, 24.12.2008, p.84.

- (iv) [Directive 2009/31/EC](#) of the European Parliament and of the Council(7);
- (v) [Directive 2013/39/EU](#) of the European Parliament and of the Council(8); and
- (vi) [Commission Directive 2014/101/EU](#)(9);
- (b) [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(10); and
- (c) [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy(11).

Modification of Part 1

2. For the purpose of giving effect to relevant EU obligations or of exercising any related right, the provisions of Part 1 (protection of the water environment) of the Water Environment and Water Services (Scotland) Act 2003(12) have effect with the following modifications—

- (a) after section 1(1) (general purpose of Part 1) insert—
 - “(1A) The reference in subsection (1) to [Directive 2000/60/EC](#) is to that Directive as amended by—
 - (a) [Decision No 2455/2001/EC](#) of the European Parliament and of the Council,
 - (b) [Directive 2008/32/EC](#) of the European Parliament and of the Council,
 - (c) [Directive 2008/105/EC](#) of the European Parliament and of the Council,
 - (d) [Directive 2009/31/EC](#) of the European Parliament and of the Council,
 - (e) [Directive 2013/39/EU](#) of the European Parliament and of the Council, and
 - (f) [Commission Directive 2014/101/EU](#).”; and
- (b) in section 2 (the general duties)—
 - (i) in subsections (1) and (2), after “Directive” insert “, the Groundwater Directive and the Priority Substances Directive”; and
 - (ii) in subsection (8), before the definition of “the relevant enactments” insert—
 - ““the Groundwater Directive” means [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(13),
 - “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(14),”.

(7) OJ L 140, 5.6.2009, p.114.

(8) OJ L 226, 24.8.2013, p.1.

(9) OJ L 311, 31.10.2014, p.32.

(10) OJ L 372, 27.12.2006, p.19, as amended by [Commission Directive 2014/80/EU](#) (OJ L 182, 21.6.2014, p.52).

(11) OJ L 348, 24.12.2008, p.84, as amended by [Directive 2013/39/EU](#) (OJ L 226, 24.8.2013, p.1).

(12) As amended by the [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), schedule 2, paragraph 6; the [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), schedule 1, paragraph 1; the [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), section 109; the [Flood Risk Management \(Scotland\) Act 2009 \(asp 6\)](#), schedule 3, paragraph 14; the [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), section 54; the [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), schedule 4, paragraph 2; the [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), schedule 3, paragraph 8; [S.S.I. 2005/348](#) and [S.I. 2011/1043](#).

(13) OJ L 372, 27.12.2006, p.19, as amended by [Commission Directive 2014/80/EU](#) (OJ L 182, 21.6.2014, p.52).

(14) OJ L 348, 24.12.2008, p.84, as amended by [Directive 2013/39/EU](#) (OJ L 226, 24.8.2013, p.1).

Revocation

3. Regulations 2 and 3 of the Water Environment (Groundwater and Priority Substances) (Scotland) Regulations 2009(15) are revoked.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the provisions of Part 1 of the Water Environment and Water Services (Scotland) Act 2003 (“the Act”) have effect with certain modifications. In particular, regulation 2 modifies:

- section 1 of the Act so that references to “the Directive” in Part 1 have effect as references to [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 last amended by Commission Directive 2014/101/EU; and
- section 2(1) and (2) of the Act so that the Scottish Ministers, the Scottish Environment Protection Agency and the responsible authorities must also exercise various functions so as to secure compliance with the Groundwater Directive (as amended by Commission Directive 2014/80/EU) and the Priority Substances Directive (as amended by Directive 2013/39/EU).

Accordingly, these Regulations contain provisions necessary to comply with:

- Decision No [2455/2001/EC](#), [Directive 2008/32/EC](#), [Directive 2008/105/EC](#), [Directive 2009/31/EC](#), Directive 2013/39/EU and Commission Directive 2014/101/EU;
- [Directive 2006/118/EC](#) (as amended by Commission Directive 2014/80/EU); and
- [Directive 2008/105/EC](#) (as amended by Directive 2013/39/EU).

Regulation 3 revokes provisions of the Water Environment (Groundwater and Priority Substances) (Scotland) Regulations 2009 which are superseded by virtue of regulation 2.