

SCOTTISH STATUTORY INSTRUMENTS

2004 No. 516

**ENVIRONMENTAL PROTECTION
WATER**

**The Water Environment (Register of
Protected Areas) (Scotland) Regulations 2004**

Made - - - - 29th November 2004
*Laid before the Scottish
Parliament* - - - - 30th November 2004
22nd December
Coming into force - - 2004

The Scottish Ministers, in exercise of the powers conferred by section 7 of the Water Environment and Water Services (Scotland) Act 2003 ^{M1}, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Marginal Citations

M1 2003 asp 3.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Water Environment (Register of Protected Areas) (Scotland) Regulations 2004 and shall come into force on 22nd December 2004.

(2) In these Regulations—

- (a) any reference to a section is a reference to that section of the Water Environment and Water Services (Scotland) Act 2003;
- (b) “the register” means the register of the protected areas lying within the Scotland River Basin District ^{M2}.

Marginal Citations

M2 The Scotland River Basin District was designated by virtue of the Water Environment and Water Services (Scotland) Act 2003 (Designation of Scotland River Basin District) Order 2003 S.S.I. No. 610.

Register

2.—(1) SEPA shall prepare and maintain the register in accordance with the following provisions of this regulation.

(2) The register shall contain the information referred to in Part I of the Schedule to these Regulations and may contain the information referred to in Part II of that Schedule.

(3) SEPA may prepare and maintain the register in any form.

(4) SEPA shall publish the register on its website.

St Andrew's House, Edinburgh

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2(2)

Register

PART I

[^{F1}A1. A description of all shellfish water protected areas.]

Textual Amendments

F1 Sch. para. A1 inserted (22.12.2013) by [The Water Environment \(River Basin Management Planning Further Provision\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/323\)](#), regs. 1, **25(a)**

1. A description of all bodies of water identified under section 6.
2. A description of all bodies of water designated—
 - ^{F2}(a)
 - (b) as recreational waters, including those designated under [^{F3}any [^{F4}assimilated] law which implemented][^{F5}Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing [Directive 76/160/EEC](#), as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council]; and
 - (c) as nutrient sensitive areas, including those designated as—
 - (i) vulnerable zones under [^{F6}any [^{F7}assimilated] law which implemented] Council Directive [91/676/EEC](#) of 12th December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ^{M3}[^{F8}, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council], and
 - (ii) as sensitive areas under [^{F9}any [^{F10}assimilated] law which implemented] Council Directive [91/271/EEC](#) of 21st May 1991 concerning urban waste water treatment ^{M4}[^{F11}, as last [^{F12}relevantly] amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council].

Textual Amendments

- F2** Sch. para. 2(a) omitted (22.12.2013) by [The Water Environment \(River Basin Management Planning Further Provision\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/323\)](#), **regs. 1, 25(b)**
- F3** Words in sch. para. 2(b) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **4(2)**
- F4** Word in sch. para. 2(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 5(2)(a)**
- F5** Words in sch. para. 2(b) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **5(2)(a)**
- F6** Words in sch. para. 2(c)(i) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **4(2)**

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004. (See end of Document for details)

- F7** Word in sch. para. 2(c)(i) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 5(2)(b)**
- F8** Words in sch. para. 2(c) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **5(2)(b)(i)**
- F9** Words in sch. para. 2(c)(ii) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **4(2)**
- F10** Word in sch. para. 2(c)(ii) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 5(2)(c)**
- F11** Words in sch. para. 2(c) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **5(2)(b)(ii)**
- F12** Word in sch. para. 2(c)(ii) inserted (1.7.2019) by [The Environment \(EU Exit\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/175\)](#), regs. 1(1)(a), **5**

Marginal Citations

- M3** O.J. L 375, 31.12.1991, p.1.
M4 O.J. L 135, 30.5.1991, p.40.

3. A description of all areas designated for the protection of habitats and species where the maintenance or improvement of the status of water is an important factor in the protection of those habitats or species, including such areas designated under ^{F13}any ^{F14}[assimilated] law which implemented]–

- (a) Council Directive [92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora ^{M5}^{F15}, as last amended by Council [Directive 2013/17/EU](#); and ^{F16}(b) [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds, as last amended by Council [Directive 2013/17/EU](#).]

Textual Amendments

- F13** Words in sch. para. 3 inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **4(3)**
- F14** Word in sch. para. 3 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 5(2)(d)**
- F15** Words in sch. para. 3(a) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **5(3)(a)**
- F16** Sch. para. 3(b) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **5(3)(b)**

Marginal Citations

- M5** O.J. L 206, 22.7.1992, p.7.

4. A map indicating the location of the protected area.

5. A description of the legislation ^{F17}... under which the protected area has been identified or designated.

Textual Amendments

- F17** Words in [sch. para. 5](#) omitted (1.6.2022) by virtue of [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, [4\(4\)](#)

PART II

6. A description of the body of water constituting the protected area as either a body of surface water or a body of groundwater.
7. The name of the protected area.
8. The dimensions or size of the protected area.
9. The date of identification of the protected area.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out requirements relating to the register of protected areas to be prepared and maintained by the Scottish Environment Protection Agency (“SEPA”) under section 7 of the Water Environment and Water Services (Scotland) Act 2003 (“the Act”).

Regulation 1 contains the citation, commencement and interpretation provisions. Regulation 1(2)(b) defines the register as the register of those protected areas lying within the Scotland River Basin District. The two cross border River Basin Districts, namely the Solway Tweed and Northumbria River Basin Districts, were designated respectively by the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 (S.I. No. 99) and the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 (S.I. No. 3245). In accordance with the provisions of those Regulations, the register applicable to the Solway Tweed River Basin District will be prepared jointly by the Environment Agency and SEPA, and the register applicable to the Northumbria River Basin District, by the Environment Agency.

Regulation 2(2) requires the register to contain the information described in Part I of the Schedule to the Regulations. The information set out in Part I of the Schedule includes a description of those areas or bodies of water identified under section 6 of the Act, and those designated

- for the protection of economically significant aquatic species;
- as recreational waters;
- as nutrient sensitive areas; and
- for the protection of habitats and species where the maintenance or improvement of the status of the water is an important factor in the protection of those habitats or species.

The register must also contain maps of the protected areas, and a description of the legislation under which the protected area has been designated.

Regulation 2(2) also enables SEPA to include on the register, the information described in Part II of the Schedule.

Changes to legislation: *There are currently no known outstanding effects for the The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004. (See end of Document for details)*

Regulation 2(3) enables SEPA to prepare and maintain the register in any form. Regulation 2(4) requires SEPA to publish the register on its website. SEPA's website is www.sepa.org.uk. The obligation under regulation 2(4) is in addition to the obligation under section 7(6) of the Act to make the register available, at all reasonable times, for public inspection, free of charge.

Changes to legislation:

There are currently no known outstanding effects for the The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004.