
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⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

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⁽²⁾.

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.

⁽¹⁾ 2003 asp 3.

⁽²⁾ 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](#).

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

St Andrew's House, Edinburgh
29th November 2004

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2(2)

Register

PART I

1. A description of all bodies of water identified under section 6.
2. A description of all bodies of water designated—
 - (a) for the protection of economically significant aquatic species, including those designated under—
 - (i) Council Directive [79/923/EEC](#) of 30th October 1979 on the quality required of Shellfish Waters(3); and
 - (ii) Council Directive [78/659/EEC](#) of 18th July 1978 on the quality of freshwaters needing protection or improvement to support fish life(4);
 - (b) as recreational waters, including those designated under Council Directive [76/160/EEC](#) of 8th December 1975 concerning the quality of bathing water(5); and
 - (c) as nutrient sensitive areas, including those designated as—
 - (i) vulnerable zones under Council Directive [91/676/EEC](#) of 12th December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources(6), and
 - (ii) as sensitive areas under Council Directive [91/271/EEC](#) of 21st May 1991 concerning urban waste water treatment(7).
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—
 - (a) Council Directive [92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora(8); and
 - (b) Council Directive [79/409/EEC](#) of 2nd April 1979 on the conservation of wild birds(9).
4. A map indicating the location of the protected area.
5. A description of the legislation (including Community legislation) under which the protected area has been identified or designated.

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.

(3) O.J. L 281, 10.11.1979, p.47.

(4) O.J. L 222, 14.8.1978, p.1.

(5) O.J. L 31, 5.2.1976, p.1.

(6) O.J. L 375, 31.12.1991, p.1.

(7) O.J. L 135, 30.5.1991, p.40.

(8) O.J. L 206, 22.7.1992, p.7.

(9) O.J. L 103, 25.4.1979, p.1.

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.

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.