

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

The Water Environment (Controlled Activities) (Scotland) Regulations 2005

PART I

General

PROSPECTIVE

Amendment of the Act – controlled activities

3.—(1) Section 20 of the Act is amended as follows.

(2) In subsection (3), for paragraphs (b), (c) and (d) there is substituted—

- “(b) abstraction of water from the water environment,
- (c) construction, alteration or operation of impounding works in surface water or wetlands,
- (d) carrying out building or engineering works, or works other than those referred to in paragraph (c)—
 - (i) in inland water (other than groundwater) or wetlands, or
 - (ii) in the vicinity of inland water or wetlands and having or likely to have a significant adverse effect on the water environment,
- (da) artificial recharge or augmentation of groundwater.”.

(3) In subsection (6)—

- (a) for the definition of “abstraction” there is substituted—

““abstraction” means the doing of anything whereby any water is removed or diverted by mechanical means, pipe or any engineering structure or works from any part of the water environment, whether temporarily or permanently, including anything whereby the water is so removed or diverted for the purpose of being transferred to another part of the water environment, and includes—

 - (a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted, and
 - (b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work.”; and
- (b) for the definition of “impounding works” there is substituted—

““impounding works” means in relation to surface water—

 - (a) any dam, weir or other works by which water may be impounded,

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) any works diverting the flow of water in connection with the construction or alteration of any dam, weir or other works falling within paragraph (a),”.

Commencement Information

11 Reg. 3 in force at 1.4.2006, see [reg. 1\(2\)](#)

Status:

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Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)
- reg. 3 coming into force by [S.S.I. 2005/348 reg. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)