

**2006 No. 126**

**ENVIRONMENTAL PROTECTION**

**WATER**

**The Water Environment and Water Services (Scotland) Act 2003  
(Designation of Responsible Authorities and Functions)  
Order 2006**

<i>Made</i> - - - -	<i>8th March 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>9th March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 2(8) of the Water Environment and Water Services (Scotland) Act 2003<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Water Environment and Water Services (Scotland) Act 2003 (Designation of Responsible Authorities and Functions) Order 2006 and comes into force on 1st April 2006.

(2) In this Order, “the Act” means the Water Environment and Water Services (Scotland) Act 2003.

**Designation of responsible authorities and functions**

2.—(1) The Scottish Ministers hereby designate as responsible authorities, the public bodies and office-holders referred to in column 1 of the Schedule to this Order, for the purposes of Part 1 of the Act.

(2) The Scottish Ministers hereby specify as designated functions of each such body or office-holder, such of the functions relating to the water environment as are conferred by the enactments shown in column 2 of the Schedule to this Order relative to each body or office-holder.

*RHONA BRANKIN*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
8th March 2006

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(a) 2003 asp 3.

## SCHEDULE

Article 2

<i>1. Public bodies and office holders</i>	<i>2. Enactments</i>	<i>3. Reference</i>
Councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994(a)	The Flood Prevention (Scotland) Act 1961; The Civic Government (Scotland) Act 1982; The Roads (Scotland) Act 1984; The Environmental Protection Act 1990; The Town and Country Planning (Scotland) Act 1997; The Nature Conservation (Scotland) Act 2004.	1961 c.41 1982 c.45 1984 c.54 1990 c.43 1997 c.8 2004 asp 6
Scottish Water	The Sewerage (Scotland) Act 1968; The Water (Scotland) Act 1980; The Water Industry (Scotland) Act 2002.	1968 c.47 1980 c.45 2002 asp 3
Scottish Natural Heritage	The Natural Heritage (Scotland) Act 1991; The Nature Conservation (Scotland) Act 2004; The Conservation (Natural Habitats, &c.) Regulations 1994.	1991 c.28 2004 asp 6 S.I. 1994/2716
National Park authorities established by order under section 6 of the National Parks (Scotland) Act 2000(b)	The National Parks (Scotland) Act 2000.	2000 asp 10
District Salmon Fishery Boards constituted in terms of section 43 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003(c)	The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003; The Nature Conservation (Scotland) Act 2004.	2003 asp 15 2004 asp 6
The British Waterways Board	The Transport Act 1962; The British Waterways Act 1995.	1962 c.46 1995 c.i

(a) 1994, c.39; section 2 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 232(1).

(b) 2000 asp 10; The Loch Lomond and The Trossachs National Park Authority was established by the Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (S.S.I. 2002/201). The Cairngorms National Park Authority was established by the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (S.S.I. 2003/1).

(c) 2003 asp 15.

<i>1. Public bodies and office holders</i>	<i>2. Enactments</i>	<i>3. Reference</i>
The Forestry Commissioners continued in existence by section 1(1) of the Forestry Act 1967 <b>(a)</b>	The Forestry Act 1967; The Nature Conservation (Scotland) Act 2004.	1967 c.10 2004 asp 6
The Fisheries Committee appointed under section 5(2) of the Electricity (Scotland) Act 1979 <b>(b)</b>	The Electricity Act 1989.	1989 c.29

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**(a)** 1967 c.10.

**(b)** 1979 c.11; the Electricity (Scotland) Act 1979 was repealed by the Electricity Act 1989 (c.29), section 112(4) and Schedule 18. Schedule 9, paragraph 5(1) of the Electricity Act 1989 makes savings provisions in relation to the Fisheries Committee as appointed under section 5(2) of the Electricity (Scotland) Act 1979.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates certain public bodies and office-holders as responsible authorities in respect of specified functions relating to the water environment, for the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3). Article 2(1) of the Order designates the bodies and office-holders set out in column 1 of the Schedule for this purpose.

The functions of those bodies and office-holders which relate to the water environment, conferred by the enactments set out in column 2 of the Schedule, are specified as designated functions of those bodies and office-holders, by Article 2(2) of the Order.

A Regulatory Impact Assessment has been prepared and can be obtained from the Water Division of the Scottish Executive or at <http://www.scotland.gov.uk/Topics/Environment/Water/17316/8084>.

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