

**2007 No. 50 (C.9)**

**ENVIRONMENTAL PROTECTION**

**WATER**

**The Water Environment and Water Services (Scotland) Act 2003  
(Commencement No. 5) Order 2007**

*Made* - - - -

*5th February 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 36 and 38(1) of the Water Environment and Water Services (Scotland) Act 2003(a), hereby make the following Order:

**Citation**

1. This Order may be cited as the Water Environment and Water Services (Scotland) Act 2003 (Commencement No. 5) Order 2007.

**Appointed day**

2. The day appointed for the coming into force of subsections (1) to (4) of section 24 (planning permission: fish farming) of the Water Environment and Water Services (Scotland) Act 2003 for the purpose of enabling provision to be made by order is 6th February 2007 and for all other purposes is 31st March 2007.

*SARAH BOYACK*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
5th February 2007

## EXPLANATORY NOTE

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

This Order brings into force certain provisions of section 24 of the Water Environment and Water Services (Scotland) Act 2003 on 6th February 2007 for the purpose of enabling provisions to be made by order and for all remaining purposes on 31st March 2007. Section 24 amends the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) to introduce planning controls over marine fish farming in transitional and coastal water. Subsection (2)(a) inserts new definitions into section 26 of the 1997 Act to extend the meaning of development to certain works in marine waters. Subsection 2(b) introduces two new subsections (6A) and (6B) into section 26 of the 1997 Act. These provisions confer powers on the Scottish Ministers to make orders making modifications (including amendments or repeals) as they consider necessary or expedient in respect of the definitions of “fish farming” and “equipment” in subsection (6) of section 26.

Section 24(3) amends section 40 of the 1997 Act to require the effect of proposed development on the water environment to be considered before planning permission is granted for marine fish farming.

Section 24(4) amends section 275 of the 1997 Act in respect of the Scottish Ministers’ powers to make orders and regulations under section 26(6A).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 7, 18, 20, 21, 26 and 28	15th December 2003	2003/562
Sections 8 to 11, 15 and 17	1st June 2005	2005/235
Section 25 and Schedules 1 and 2	20th May 2005	2005/256
Sections 29, 32 and 33(1)	6th March 2006	2006/55

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