

EXECUTIVE NOTE

THE WATER ENVIRONMENT (RELEVANT ENACTMENTS AND DESIGNATION OF RESPONSIBLE AUTHORITIES AND FUNCTIONS) ORDER 2008

S.S.I. 2008/263

The above instrument is made in exercise of the powers conferred by section 2(8) of the Water Environment and Water Services (Scotland) Act 2003 (“the WEWS Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

1. This Order designates functions held by Scottish Ministers and SEPA under the relevant enactments, for the purposes of Part I of the WEWS Act. It also designates specified public bodies as responsible authorities in respect of their functions relating to the water environment, for the same purposes. It revokes and remakes the 2006 Orders^{1,2}.

Background

2. The Water Framework Directive was transposed into Scots law by the WEWS Act in 2003. Section 2 of the Act allows Ministers to designate relevant enactments for the purposes of Part I of the Act. Designation of relevant enactments will help with the delivery of our Water Framework Directive obligations, by ensuring that Ministers carry out their normal statutory functions in a way that secures compliance with WFD aims and objectives.

3. Section 2 of the Act further allows Ministers to designate responsible authorities for the purposes of Part I of the Act. Such designation will place an obligation upon public bodies whose plans and activities impact on the water environment to carry out their normal statutory functions in a way that secures compliance with WFD objectives. In doing so, these responsible authorities will act to support SEPA in its lead role for river basin management planning and will help secure a successful implementation of the Directive in Scotland.

Consultation

4. We consulted on the designation of the relevant enactments in March 2008. We received 14 responses, all of which expressed support. This consultation exercise also identified a requirement to update our designation of responsible authorities.

Financial Implications

5. There are no material financial implications arising from this designation. The policy contributes to the Efficient Government programme by providing a framework for cooperation between public authorities. This will lessen the risk of duplication and will ensure lower over-all costs in relation to implementing the WFD in Scotland.

¹ <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060554.htm>

² http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060126_en.pdf

Negative Resolution Procedure

6. This Order is subject to the negative resolution procedure.

Environmental Quality Directorate
June 2008