

## **EXECUTIVE NOTE**

### **THE WATER ENVIRONMENT (RELEVANT ENACTMENTS AND DESIGNATION OF RESPONSIBLE AUTHORITIES AND FUNCTIONS) (SCOTLAND) ORDER 2011**

**2011. 368**

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 the specified enactments as relevant enactments for the purposes of Part I of the WEWS Act. The Scottish Ministers and SEPA are required to exercise their functions under relevant enactments so as to secure compliance with the Water Framework Directive (WFD) and to act in accordance with section 2(4) of the WEWS Act. The Order also designates specified public bodies as responsible authorities and designates specified functions of those bodies that relate to the water environment as designated functions, for the same purposes. It revokes and remakes the 2008 Order<sup>1</sup>.

#### Background

2. The WFD was transposed into Scots law by the WEWS Act in 2003. Section 2 of the WEWS Act allows Ministers to designate relevant enactments for the purposes of Part I of the Act. Designation of relevant enactments helps with the delivery of our WFD 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 places 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. Our initial 2008 consultation on the designation of the relevant enactments led to the making of the 2008 Order, and also identified a future requirement to update our designation once certain new legislation was enacted. The 2011 Order fulfils this requirement.

#### Financial Implications

5. There are no material financial implications arising from this designation. The policy provides a framework for cooperation between public authorities, thus lessening the risk of duplication and ensuring lower over-all costs of implementing the WFD in Scotland.

Negative Resolution Procedure

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

Environmental Quality Division

<sup>1</sup><http://www.legislation.gov.uk/ssi/2008/263/introduction/made>