

POLICY NOTE

THE DEVELOPMENT OF WATER RESOURCES (DESIGNATED BODIES: MODIFICATION) (SCOTLAND) REGULATIONS 2017

SSI 2017/347

The above instrument was made in exercise of the powers conferred on the Scottish Ministers by section 3(2) of the Water Resources (Scotland) Act 2013 (“the Act”). The instrument is subject to negative procedure.

Policy Objectives

These Regulations add the Water Industry Commission for Scotland (WICS) to the list of designated bodies in section 3(1) (designation of bodies) of the Act. Accordingly, WICS becomes a designated body for the purposes of section 2(1) (involvement of public bodies) of the Act.

Section 1(1) (duty of the Scottish Ministers) of the Act provides that the Scottish Ministers must (a) take such reasonable steps as they consider appropriate for the purpose of ensuring the development of the value of Scotland’s water resources; and (b) do so in ways designed to promote the sustainable use of the resources. For the purposes of securing a designated body’s participation in developments of the kind mentioned in section 1(1) of the Act, the Scottish Ministers may give any such designated body directions as to the exercise of its functions.

It was considered at the time of the Act commencing not to list WICS as a designated body owing to its independence from Scottish Ministers although the Scottish Government always had sympathy with the idea.

WICS approached the Scottish Government to request that they now be listed as a designated body in the Act. WICS are important delivery agents for the Hydro Nation programme and require some legislative indication that some financial expenditure is reasonable.

Consultation

These Regulations were prepared in consultation with key stakeholders including Water Industry Commission for Scotland (WICS), Citizens Advice Scotland (CAS), Scottish Enterprise (SE), Highlands and Islands Enterprise (HIE), Scottish Environment Protection Agency (SEPA) and Scottish Water. Stakeholders agreed that it is appropriate for WICS to become a designated body under the Act, recognising that WICS has a key role to play in the delivery of the Hydro Nation Strategy.

Impact Assessments

As there is no impact on business or the third sector, and no impact on the environment or on environmental issues, no Business and Regulatory Impact Assessment or Strategic Environmental Assessment is required.

Financial Effects

These Regulations have no financial effects on the Scottish Government, local government or on business.

Scottish Government
Energy and Climate Change Directorate

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