
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 26

**The Environment (EU Exit) (Scotland)
(Amendment etc.) Regulations 2019**

PART 2

Amendments to legislation concerning the water environment

The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013

4.—(1) The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013 ^{M1} are amended as follows.

(2) In regulation 2(interpretation)—

(a) in paragraph (1)—

(i) after the definition of “environmental objective”, insert—

““the Groundwater Directive” means Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration ^{M2}, as amended by Commission Directive 2014/80/EU ^{M3},”

(ii) after the definition of “pollutant”, insert—

““the Priority Substances Directive” means Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives [82/176/EEC](#), [83/513/EEC](#), [84/156/EEC](#), [84/491/EEC](#), [86/280/EEC](#) and amending Directive [2000/60/EC](#) of the European Parliament and of the Council ^{M4}, as amended by Directive 2013/39/EU of the European Parliament and of the Council ^{M5},”

(iii) after the definition of “programme of measures”, insert—

““retained EU law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018,”

(b) after paragraph (2), insert—

“(3) For the purposes of these Regulations—

(a) the Water Framework Directive is to be interpreted in accordance with Part 1 (the Directive) of schedule 5 (interpretation of Directives for the purposes of Part 1) of the Act,

(b) the Groundwater Directive is to be interpreted in accordance with Part 2 (the Groundwater Directive) of schedule 5 of the Act,

(c) the Priority Substances Directive is to be interpreted in accordance with Part 3 (the Priority Substances Directive) of schedule 5 of the Act.

(4) For the purposes of paragraph (3), schedule 5 of the Act is to be read as if—

- (a) references to “the Directive” are to “the Water Framework Directive”,
 - (b) references to “Part 1 of this Act” are to “these Regulations”.
- (3) In regulation 3(1)(c) (setting of environmental objectives)—
- (a) for “EU instrument” substitute “retained EU law”,
 - (b) for “EU legislation” substitute “retained EU law”.
- (4) In regulation 10(b) (environmental objectives: application of regulations 4 to 9), for “EU environmental legislation” substitute “retained EU law relating to the environment”.
- (5) In regulation 13(1) (preparation of programme of measures)—
- (a) in sub-paragraph (a), for “to implement EU legislation” substitute “under retained EU law”,
 - (b) in sub-paragraph (j)(iv)—
 - (i) after “in accordance with” insert “the retained EU law which implemented”,
 - (ii) omit the words from “or excluded” to the end.
- (6) In regulation 14(1)(f)(ii) (content of river basin management plans), for “to implement EU legislation” substitute “under retained EU law”.
- (7) In regulation 16 (interpretation of Part 3)—
- (a) in paragraph (1), omit the definition of “Priority Substances Directive”,
 - (b) after paragraph (2), insert—
 - “(3) When interpreting Directive [2009/90/EC](#) for the purposes of this Part, a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to SEPA.”
- (8) In regulation 17(15) (environmental quality standards for bodies of surface water)—
- (i) after sub-paragraph (a), omit “and”,
 - (ii) omit sub-paragraph (b).
- (9) Omit regulation 19A (coordination).
- (10) In regulation 20(1) (interpretation of Part 4), omit the definition of “the Groundwater Directive”.
- (11) In regulation 24(3) (measures to prevent or limit inputs of pollutants into groundwater), for “EU legislation” substitute “retained EU law”.

Commencement Information

- II** Reg. 4 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)
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Marginal Citations

- M1** [S.S.I. 2013/323](#), as amended by [S.S.I. 2015/211](#).
- M2** OJ L 372, 27.12.2006, p.19.
- M3** OJ L 182, 21.6.2014, p.52.
- M4** OJ L 348, 24.12.2008, p.84.
- M5** OJ L 226, 24.8.2013, p.1.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019, Section 4.