

These notes relate to the Water Environment and Water Services (Scotland) Act 2003 (asp 3) which received Royal Assent on 5 March 2003

WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

9. The Act is in three parts.

Part 1 – Protection of the water environment

10. This Part:

- sets out the general purpose of protection of the water environment;
- defines the water environment and sets out the duties of public authorities, including the Scottish Ministers and the Scottish Environment Protection Agency (SEPA), in respect of its protection;
- provides for the establishment of river basin districts and the characterisation thereof;
- provides for the establishment of a register of protected areas and for the identification of waters used for the abstraction of drinking water;
- requires an environmental objective to be set for each body of water in a river basin district and that monitoring of the status of the water environment in each river basin district is carried out;
- requires the preparation of river basin management plans for each river basin district;
- describes the procedures for preparation, approval and review of these plans including the requirements for publicity and consultation;
- requires the creation of river basin district advisory groups and allows for the creation of sub-basin plans;
- places a duty on public authorities, including the Scottish Ministers, to have regard to river basin management plans, where relevant;
- enables provision to be made, by regulations, for or in connection with regulating any activity, and in connection with the fixing of charges for water services, for the purposes of protecting the water environment;
- enables provision to be made, by regulations, for or in connection with remedial and restoration measures necessary for the purposes of achieving the environmental objectives; and
- provides for amendment to the Town and County Planning (Scotland) Act 1997 to the effect that local authorities will be given planning control over marine fish farms.

Part 2 – Water and sewerage services

11. **Part 2** of the Act makes changes to the system for funding new connections to the water and sewerage infrastructure by amending the Sewerage (Scotland) Act 1968 and the Water (Scotland) Act 1980. These include clarifying when and how infrastructure vests in Scottish Water and conferring regulation making powers for various detailed provisions including determining reasonable cost and setting construction standards and detailed conditions for connection agreements. It also adds sustainable urban drainage systems to Scottish Water’s core functions as provider of sewerage services.

Part 3 – General

12. This Part makes general provision for the making of orders and regulations under the Act. It also makes provision about the application of the Act to the Crown and commencement of the Act.