



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 2

RIVER BASIN MANAGEMENT PLANNING

General

18 Power to obtain information and documents etc.

- (1) The Scottish Ministers and any responsible authority must, on being requested to do so by SEPA, provide SEPA with—
 - (a) such information in their or, as the case may be, its possession or under their or its control, and
 - (b) such assistance,as SEPA may reasonably seek in connection with the exercise of any of SEPA's functions under this Chapter.
- (2) SEPA may serve a notice on any other person requiring the person—
 - (a) to provide SEPA, or a person authorised by it, in the form and manner specified in the notice, with such information, or
 - (b) to produce to SEPA, or to a person authorised by it, such documents,as it may reasonably require in connection with the exercise of any of its functions under this Chapter.
- (3) The information or documents required to be provided or produced in pursuance of a notice under subsection (2) must be specified or described in the notice.
- (4) A notice under subsection (2) may require information to be provided or documents to be produced—

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- (a) at or by a time and at a place specified in the notice,
 - (b) in circumstances specified in the notice, or
 - (c) from time to time, in accordance with criteria specified in the notice.
- (5) Where a responsible authority or, as the case may be, a person on whom a notice is served under subsection (2) cannot agree with SEPA on whether information is, or documents are, being sought or required reasonably under this section, either of them may refer the matter to the Scottish Ministers, whose decision is final.
- (6) Nothing in this section authorises SEPA to require the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.
- (7) References in this section to documents are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (8) Where by virtue of subsection (2) documents are produced to any person, that person may take copies of or make extracts from them.
- (9) A person who—
- (a) refuses or fails, without reasonable excuse, to do anything required of that person by a notice under subsection (2), or
 - (b) intentionally alters, suppresses or destroys a document which that person has been required by such a notice to produce,
- is guilty of an offence.
- (10) A person guilty of an offence under subsection (9) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

19 General regulation-making power

- (1) The Scottish Ministers may by regulations make provision as to—
- (a) the form and content of river basin management plans and sub-basin plans,
 - (b) the matters to be taken into account in preparing such plans,
 - (c) the procedures to be followed in connection with their preparation, submission, approval, review and modification.
- (2) Such regulations may, in particular—
- (a) provide for the notice to be given of, or the publicity to be given to—
 - (i) matters to be included or proposed to be included in any such plan,
 - (ii) the approval of any such plan,
 - (iii) any other procedural step,
 and for publicity to be given to the procedures referred to in subsection (1)(c),
 - (b) make provision for documents and information relating to matters included in the plan to be made available to the public,
 - (c) make provision as to the making and consideration of representations with respect to any such plan,
 - (d) require or authorise—

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(i) in relation to a river basin management plan, SEPA,
(ii) in relation to a sub-basin plan, SEPA or the responsible authority,
to consult, or consider the views of, other persons before taking any particular
procedural step.

(3) This section is without prejudice to sections 10 to 15 and 17.