

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, Cross Heading: Modifications to the Articles is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 5 INTERPRETATION OF DIRECTIVES FOR THE PURPOSES OF PART 1

Textual Amendments

- F1** Sch. 5 inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **2(6)** (as amended by [S.S.I. 2019/175](#), regs. 1(1)(b), **8(2)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

PART 1

THE DIRECTIVE

Modifications to the Articles

- 2 Article 2 is to be read as if—
- (a) in paragraph 24, for the words from “in Annex IX” to the end, there were substituted “ by the Priority Substances Directive, and under relevant [^{F2}assimilated] law which sets environmental quality standards ”,
 - (b) in paragraph 37, for the words from “Directive [80/778/EEC](#)” to the end, there were substituted “ Council Directive [98/83/EC](#) on the quality of water intended for human consumption ”.

Textual Amendments

- F2** Word in [sch. 5 para. 2\(a\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(b\)](#)

- 3 Article 3(9) is to be ignored.
- 4 Article 4 is to be read as if—
- (a) in paragraph 1—
 - (i) in sub-paragraph (a)(iv), for “Article 16(1) and (8)” there were substituted “ the Priority Substances Directive ”,
 - (ii) in sub-paragraph (b)(iii), for “paragraphs 2, 4 and 5 of Article 17” there were substituted “ the Groundwater Directive ”,
 - (b) in paragraph 8, the reference to “other Community environmental legislation” were a reference to “[^{F3}assimilated] law relating to the environment”,
 - (c) in paragraph 9, the reference to “the existing Community legislation” were a reference to “other relevant [^{F4}assimilated] law”.

Textual Amendments

- F3** Word in [sch. 5 para. 4\(b\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(c\)](#)

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F4 Word in sch. 5 para. 4(c) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(d\)](#)

- 5 Article 7(2) is to be read as if—
- (a) for “at Community level under Article 16” there were substituted “ by the Priority Substances Directive ”,
 - (b) for “Directive [80/778/EEC](#) as amended by Directive [98/83/EC](#)” there were substituted “ the [^{F5}assimilated] law which implemented Council Directive [98/83/EC](#) on the quality of water intended for human consumption ”.

Textual Amendments

F5 Word in sch. 5 para. 5(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(e\)](#)

6 Article 10 is to be ignored.

- 7 Article 11(3) is to be read as if—
- (a) in sub-paragraph (a), for the words from “to implement” to the end, there were substituted “ under [^{F6}assimilated] law for the protection of water ”,
 - (b) in sub-paragraph (j), in the fourth indent, for the words from “Directive [2009/31/EC](#)” to the end, there were substituted “ the [^{F7}assimilated] law which implemented Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide ”,
 - (c) in sub-paragraph (k)—
 - (i) for “action taken pursuant to Article 16,” there were substituted “ the Priority Substances Directive ”,
 - (ii) for “agreed pursuant to Article 16(2)” there were substituted “ in Annex X ”.

Textual Amendments

F6 Word in sch. 5 para. 7(a) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(f\)](#)

F7 Word in sch. 5 para. 7(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(g\)](#)

8 Article 12 is to be ignored.

9 Article 15 is to be ignored.

10 Article 24 is to be ignored.

- 11 Annex II is to be read as if, in section 1.4—
- (a) in the second paragraph—
 - (i) after “gathered under” there were inserted “ the [^{F8}assimilated] law which implemented ”,

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- (ii) in sub-paragraph (ii), the reference to information gathered under Articles 9 and 15 of Directive [96/61/EC](#) were a reference to relevant information gathered under the [F⁹assimilated] law which implemented Articles 5(3), 14 and 24 of Directive [2010/75/EC](#) of the European Parliament and of the Council on industrial emissions ”
- (b) in the third paragraph—
 - (i) at the start of sub-paragraph (i), there were inserted “ [F¹⁰assimilated] law which implemented ”,
 - (ii) in sub-paragraph (ii), the reference to information gathered under Articles 7 and 17 of Directive [91/414/EEC](#) were a reference to relevant information gathered under Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#)”,
 - (iii) in sub-paragraph (iii), for “Directive [98/8/EC](#)” there were substituted “ Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.

Textual Amendments

- F8** Word in [sch. 5 para. 11\(a\)\(i\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(h\)](#)
- F9** Word in [sch. 5 para. 11\(a\)\(ii\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(i\)](#)
- F10** Word in [sch. 5 para. 11\(b\)\(i\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 4\(2\)\(j\)](#)

12 Annex IV is to be read as if—

- (a) in paragraph 1—
 - (i) in sub-paragraph (iii), for “Directive [76/160/EEC](#)” there were substituted “ [F¹¹assimilated] law which implemented Directive [2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive [76/160/EEC](#) ”,
 - (ii) in sub-paragraph (iv), after “under”, in both places it occurs, there were inserted “ the [F¹²assimilated] law which implemented ”,
 - (iii) in sub-paragraph (v)—
 - (A) after “under”, there were inserted “ the [F¹³assimilated] law which implemented ”,
 - (B) for “Directive [79/409/EEC](#)” there were substituted “ the [F¹⁴assimilated] law which implemented Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds ”,
- (b) in paragraph 2, the words “Community, national or local” were omitted.

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Textual Amendments

- F11** Word in sch. 5 para. 12(a)(i) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(k)**
- F12** Word in sch. 5 para. 12(a)(ii) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(l)**
- F13** Word in sch. 5 para. 12(a)(iii)(A) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(m)**
- F14** Word in sch. 5 para. 12(a)(iii)(B) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(n)**

- 13 Annex V is to be read as if—
- (a) references in tables 1.2.1 to 1.2.5 to Directive [91/414/EC](#), in each place they occur, were references to Regulation [\(EC\) No 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#),
 - (b) references in tables 1.2.1 to 1.2.5 to Directive [98/8/EC](#), in each place they occur, were references to Regulation [\(EU\) No 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products,
 - (c) in section 1.3.1, in the unnumbered paragraph headed “Selection of monitoring points”, the fourth indent (referring to “the Information Exchange Decision [77/795/EEC](#)”) were omitted,
 - (d) in section 1.3.5, for “Drinking Water Directive” there were substituted “^{F15}assimilated] law which implemented Council Directive [98/83/EC](#) on the quality of water intended for human consumption ”,
 - (e) in section 1.4.3, for “Annex IX, Article 16 and under other relevant Community legislation” there were substituted “ the Priority Substances Directive and under relevant ^{F16}assimilated] law ”,
 - (f) in the table in section 2.3.2, in the column for “good status”, for “other relevant Community legislation in accordance with Article 17” there were substituted “ the Groundwater Directive ”,
 - (g) in section 2.4.5, for “the Directives concerned” there were substituted “ the Priority Substances Directive and the Groundwater Directive ”.

Textual Amendments

- F15** Word in sch. 5 para. 13(d) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(o)**
- F16** Word in sch. 5 para. 13(e) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 4(2)(p)**

- 14 Annex VI is to be read as if Part A were omitted.

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- 15 Annex VII is to be read as if, in Part A, in point 7.1, for “to implement Community legislation” there were substituted “ under [^{F17}assimilated] law ”.]

Textual Amendments

- F17** Word in sch. 5 para. 15 substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 4(2)(q)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)