

**Changes to legislation:** Water Environment and Water Services (Scotland) Act 2003, PART 2 is up to date with all changes known to be in force on or before 15 March 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

## [<sup>F1</sup>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 2

### THE GROUNDWATER DIRECTIVE

#### *Introduction*

- 17 (1) When interpreting the Groundwater Directive for the purposes of Part 1 of this Act—
- (a) 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 the relevant authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of Scotland,
  - (b) a reference to Community legislation is to be read as a reference to [<sup>F2</sup>assimilated] law,
  - (d) the Groundwater Directive is to be read subject to the following rules.
- (2) In sub-paragraph 1(a)—
- “exit day” has the meaning given by section 20 of the European Union (Withdrawal) Act 2018,
  - “relevant authority” means—
    - (a) the Scottish Ministers,
    - (b) SEPA,
    - (c) any responsible authority.

### Textual Amendments

- F2** Word in [sch. 5 para. 17\(1\)\(b\)](#) 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(3)(a)**

#### *Modifications to the Articles*

- 18 Article 3(5) is to be read as if for “submitted” there were substituted “produced”.
- 19 Article 5(4) and (5) is to be read as if for “submitted” there were substituted “produced”.
- 20 Article 6(4) is to be read as if the words from “for the” to the end were omitted.
- 21 Article 12 is to be ignored.
- 22 Annex I is to be read as if—

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- (a) in footnote 1 to the table in paragraph 1, for “Article 2 of Directive [91/414/EEC](#) and in Article 2 of Directive [98/8/EC](#)” there were substituted “ Article 2 of 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](#) and in Article 3 of 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 ”,
- (b) in paragraph 2, for “Directive [91/414/EEC](#) or Directive [98/8/EC](#)” there were substituted “ 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](#) or 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 ”.

23 Annex II is to be read as if, in Part C—

- (a) in the first paragraph, for “submitted” there were substituted “ produced ”,
- (b) in the second paragraph—
  - (i) in the opening words, for “provide” there were substituted “ include ”,
  - (ii) in point (c)(iii), for “at national, Union or” there were substituted “ in [<sup>F3</sup>assimilated] law or other national legislation, or at ”.

**Textual Amendments**

- F3** Word in *sch. 5 para. 23(b)(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\(3\)\(b\)](#)

*Definition of [<sup>F4</sup>assimilated] law*

**Textual Amendments**

- F4** Word in *sch. 5 para. 24 cross-heading* 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\(3\)\(c\)](#)

24 For the purposes of this Part, “[<sup>F5</sup>assimilated] law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018.]

**Textual Amendments**

- F5** Word in *sch. 5 para. 24* 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\(3\)\(d\)](#)

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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\(6\)\(b\)](#)