

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, PART 3 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

[^{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 3

THE PRIORITY SUBSTANCES DIRECTIVE

Introduction

- 25 (1) When interpreting the Priority Substances 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) the Priority Substances 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.

Modifications to Articles

- 26 (1) A reference in Article 3 to a provision of the relevant Directive is to be read as a reference to that provision subject to the modification described by paragraph 25(1) (a) of this schedule.
- (2) Article 3(5a) is to be ignored.
- (3) In sub-paragraph (1), “the relevant Directive” means Commission Directive [2009/90/EC](#) laying down, pursuant to Directive [2000/60/EC](#) of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status.
- 27 Article 4 is to be read as if—
- (a) in paragraph 2(b), the words from “, such as” to the end were omitted,
 - (b) in paragraph 3(b), the reference to “Community law” were a reference to [^{F2}assimilated] law.

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Textual Amendments

- F2** Word in [sch. 5 para. 27\(b\)](#) 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\(4\)\(a\)](#)

- 28 Article 5 is to be read as if—
- (a) references to Directive [91/414/EEC](#) 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) paragraph 3 were omitted.
- 29 The following are to be ignored—
- (a) Article 6(2),
 - (b) Article 7a(3),
 - (c) in Article 8a(1), the final sentence of the second sub-paragraph,
 - (d) Article 8b(4),
 - (e) Article 8c,
 - (f) Article 13.

Definition of ^{F3}assimilated] law

Textual Amendments

- F3** Word in [sch. 5 para. 30 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\(4\)\(b\)](#)

- 30 For the purposes of this Part, “[^{F4}assimilated] law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018.]

Textual Amendments

- F4** Word in [sch. 5 para. 30](#) 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\(4\)\(c\)](#)

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