

# **WATER RESOURCES (SCOTLAND) ACT 2013**

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## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

3. This Act takes forward the Scottish Government’s wish to ensure that Scotland makes every effort to utilise fully its abundant water resources. The Government has set out its vision of Scotland as a Hydro Nation – the first such nation in the world – a nation that manages its water environment to the best advantage, employing its knowledge and expertise effectively at home and internationally. It is developing a wide ranging programme of work to achieve this vision – the Hydro Nation agenda.
4. The Act makes provision in relation to Scotland’s water resources. It provides for the Scottish Ministers and Scottish Water to further the sustainable development of the value of Scotland’s water resources, and for Ministers to control large-scale abstractions from the water environment. It places new duties upon Scottish Water to develop its assets and support renewable energy, and allows its subsidiaries to borrow money directly, rather than through Scottish Water. It gives Scottish Water powers to monitor and manage the quality of water in the water environment that is likely to be used for human consumption. It provides a new mechanism for Scottish Water to deal with temporary shortages of water supplies, replacing the system of drought orders under the [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#) with a new system of water shortage orders. It also allows Scottish Water to protect the public sewerage network from certain substances and facilitates the maintenance of communal private sewage treatment works, as well as making minor changes to the functioning of the retail market for non-domestic water and sewerage services. It also repeals section 26 of the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#).
5. The Act is in 8 Parts:
  - Part 1 places a general duty on the Scottish Ministers to take such reasonable steps as they consider appropriate for the purpose of ensuring the development of the value of Scotland’s water resources. It provides for Ministers to direct designated public bodies as to their involvement in this development. It places a requirement on Ministers to report to the Scottish Parliament on the fulfilment of the duty.
  - Part 2 provides for the Scottish Ministers to control large-scale water abstractions. It does so by prohibiting abstractions from the water environment that are above the specified threshold rate, unless they are exempt or are approved by the Scottish Ministers.
  - Part 3 amends the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#) to alter Scottish Water’s powers and duties. It provides that Scottish Water may undertake any activity that it considers will assist in the development of the value of Scotland’s water resources. It also places a duty on Scottish Water to develop the commercial value of its assets and expertise, and to promote the use of its assets for the generation of renewable energy. Provision is also made for the Scottish Ministers to give grants or to lend directly to subsidiaries of Scottish Water, and for the water and sewerage undertaking established by Scottish Water to be able to borrow from the

*These notes relate to the Water Resources (Scotland) Act 2013 (asp 5) which received Royal Assent on 9th April 2013*

Scottish Ministers or any other person. It also alters the water meter error threshold in section 54 of the [Water \(Scotland\) Act 1980 \(c. 45\)](#).

- Part 4 gives Scottish Water certain additional powers of entry for the purpose of monitoring the quality of “raw water” in the water environment that may be used for human consumption, and for the purpose of investigating anything that may be affecting the quality of such water. It also allows Scottish Water to enter into agreements with owners and occupiers of land, as well as with local authorities, to carry out activities for the purpose of protecting or improving the quality of any such raw water.
- Part 5 provides for deemed contracts for water and sewerage services in certain circumstances, and requires the owners of commercial properties to notify licensed providers of water and sewerage services of changes in the occupancy of the premises.
- Part 6 allows Scottish Water to control inputs of certain priority substances and pollutants into the sewerage network through trade effluent consents, prohibits the passing of fats, oils and grease into the public sewer, and gives Scottish Water improved monitoring powers in relation to inputs into sewers. It also makes provision for common owners of private sewage treatment systems such as septic tanks to be able to carry out essential maintenance without the consent of all their co-owners in certain circumstances.
- Part 7 makes provision for the management of temporary water shortages. It allows Scottish Water to apply for, and the Scottish Ministers to make, water shortage orders. These orders may, among other things, authorise Scottish Water to abstract water from or discharge it to any place, relax requirements to which Scottish Water is subject, and impose water saving measures.
- Part 8 contains general provisions such as key definitions and repeals.

6. The following abbreviations are used in these notes:

- “the 1968 Act” means the [Sewerage \(Scotland\) Act 1968 \(c. 47\)](#);
- “the 1980 Act” means the [Water \(Scotland\) Act 1980 \(c. 45\)](#);
- “the 2002 Act” means the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#);
- “the 2003 Act” means the [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#);
- “the 2005 Act” means the [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#);
- “the Controlled Activities Regulations” means the [Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#).