
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 138

**The Environment and Trade in Animals
and Related Products (EU Exit) (Scotland)
(Miscellaneous Amendment) Regulations 2022**

PART 2

Amendments to legislation concerning water

Amendment of the Water Environment and Water Services (Scotland) Act 2003

2. Section 25 (power to give effect to EU obligations etc.) of the Water Environment and Water Services (Scotland) Act 2003(1) is repealed.

Amendment of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996

3.—(1) The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996(2) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), omit “; and other expressions used in the 1991 Directive have the same meaning as in that Directive”.

(3) In regulation 4 (monitoring)—

(a) in paragraph (1)(a)—

(i) in head (i), omit—

(aa) “laid down in Article 5(4) of the 1975 Directive or at other sampling stations”, and

(bb) “or at both,”,

(ii) in head (ii), for “1980 Directive” substitute “Public Water Supplies (Scotland) Regulations 2014(3), the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(4), and the Private Water Supplies (Scotland) Regulations 2006(5)”.

(b) in paragraph (2), for “in pursuance of the 1991 Directive” substitute “for the purposes of paragraph (1)”.

(4) Omit regulation 6(1) (action programmes).

(5) For regulation 8 (information required in connection with implementation of the Directive), substitute—

(1) 2003 asp 3. Section 25 was amended by S.I. 2011/1043.

(2) S.I. 1996/1564.

(3) S.S.I. 2014/364, as amended by S.S.I. 2015/100, S.S.I. 2015/346, S.S.I. 2017/281, 2017/282 and 2019/336.

(4) S.S.I. 2017/282, as amended by S.S.I. 2017/321.

(5) S.S.I. 2006/209, as amended by S.S.I. 2010/95, S.S.I. 2014/364, S.S.I. 2015/346 and 2017/282.

“Reporting requirements

8.—(1) The Scottish Ministers must prepare a report on the implementation of these Regulations for each relevant period.

(2) A report under paragraph (1) must contain—

- (a) details of any steps taken to promote good agricultural practice,
- (b) maps of the current designated nitrate vulnerable zones in Scotland, accompanied by a summary of the most recent review of the designated nitrate vulnerable zones conducted under regulation 3(2) since the end of the previous reporting period,
- (c) a summary of the monitoring results obtained by SEPA under regulation 4,
- (d) a summary of the most recent review of the action programme, and
- (e) a statement about the predicted impact of the action programme on future water quality.

(3) A report under paragraph (1) must be published in such manner as the Scottish Ministers consider appropriate by 31 December in the calendar year following the end of each relevant period.

(4) SEPA must provide to the Scottish Ministers such information as they may by notice require to enable them to prepare a report under paragraph (1).

(5) A notice under paragraph (4) may specify the form and manner in which, the period within which, or the times at which such information is to be provided.

(6) In this regulation, “relevant period” means the period of 4 years beginning with 1 January 2020 and each successive 4 years.”.

(6) In schedule 2, omit the heading “Freshwaters, coastal waters and marine waters” and the paragraph below it.

The Water Environment (Register of Protected Areas) (Scotland) Regulations 2004

4.—(1) Part 1 of the schedule (register) of the Water Environment (Register of Protected Areas) (Scotland) Regulations 2004⁽⁶⁾ is amended in accordance with paragraphs (2) to (4).

(2) In paragraph 2, in each of sub-paragraphs (b), (c)(i) and (c)(ii), after “under” insert “any retained EU law which implemented”.

(3) In paragraph 3, after “under” insert “any retained EU law which implemented”.

(4) In paragraph 5, omit “(including EU legislation)”⁽⁷⁾.

The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013

5. In regulation 7(b) (environmental objectives: application of regulations 4 to 6) of the Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013⁽⁸⁾, for “EU environmental legislation” substitute “retained EU law relating to the environment”.

⁽⁶⁾ S.S.I. 2004/516, as amended by S.I. 2011/1043 and S.S.I. 2013/323, 2018/391 and 2019/175.

⁽⁷⁾ Paragraph 5 was amended by S.I. 2011/1043.

⁽⁸⁾ S.S.I. 2013/325.