



# Water Environment and Water Services (Scotland) Act 2003

## 2003 asp 3

### WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003

#### PART 1

##### PROTECTION OF THE WATER ENVIRONMENT

#### CHAPTER 1

##### PURPOSE, GENERAL DUTIES AND DEFINITIONS

- 1 General purpose of Part 1
- 2 The general duties
- 3 The water environment: definitions

#### CHAPTER 2

##### RIVER BASIN MANAGEMENT PLANNING

###### *River basin districts*

- 4 Establishment of river basin districts
- 5 Characterisation of river basin districts
- 6 Bodies of water used for the abstraction of drinking water
- 7 Register of protected areas
- 8 Monitoring
- 9 Environmental objectives and programmes of measures

###### *River basin management plans*

- 10 River basin management plans
- 11 River basin management plans: publicity and consultation
- 12 River basin management plans: submission for approval

*Status: Point in time view as at 01/06/2005.*

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- 13 River basin management plans: approval
- 14 River basin management plans: review
- 15 Sub-basin plans
- 16 Duty to have regard to river basin management plans and sub-basin plans
- 17 River Basin District Advisory Groups

#### *General*

- 18 Power to obtain information and documents etc.
- 19 General regulation-making power

### **CHAPTER 3**

#### MEASURES FOR PROTECTION OF THE WATER ENVIRONMENT

- 20 Regulation of controlled activities
- 21 Controlled activities regulations: procedure
- 22 Remedial and restoration measures
- 23 Fixing of charges for water services
- 24 Planning permission: fish farming

### **CHAPTER 4**

#### SUPPLEMENTARY

- 25 Power to give effect to Community obligations etc.
- 26 Annual report on implementation of Directive
- 27 Availability of documents for public inspection
- 28 Interpretation of Part 1

### **PART 2**

#### WATER AND SEWERAGE SERVICES

##### *Duty to provide water and sewerage services*

- 29 Duty to provide water and sewerage services
- 30 Private sewers, SUD systems and sewage treatment works etc.: vesting, takeover and connection conditions

##### *Mains and pipes provided by persons other than Scottish Water*

- 31 Laying of water mains and communication pipes by persons other than Scottish Water

##### *Vesting of waterworks and mains*

- 32 Vesting in Scottish Water of waterworks and mains

##### *Sustainable urban drainage systems*

- 33 Sustainable urban drainage systems

##### *Supplementary*

- 34 Modifications of Part III of the 1980 Act

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## PART 3

### GENERAL

- 35 Crown application
- 36 Orders and regulations
- 37 Ancillary provision
- 38 Commencement and short title

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#### SCHEDULE 1 — Matters to be included in river basin management plans

##### Part 1 — MATTERS TO BE INCLUDED IN EVERY PLAN

- 1 A summary of the characterisation of the river basin district...
- 2 A summary of significant pressures, and the impact of human...
- 3 A summary of the register of protected areas maintained under...
- 4 Information as to the arrangements for monitoring water status under...
- 5 A list of the environmental objectives set under section 9...
- 6 A summary of the programme of measures prepared under section...
- 7 Information as to any sub-basin plan.
- 8 A non-technical summary of the information provided under paragraphs 1...
- 9 A summary of— (a) the steps taken under subsections (3)...
- 10 Information as to— (a) SEPA, and (b) every responsible authority...
- 11 The arrangements for making available to the public documents and...

##### Part 2 — ADDITIONAL MATTERS TO BE INCLUDED IN REVISED PLANS

- 12 A summary of the changes which have been made as...
- 13 An assessment of the progress made towards the achievement of...
- 14 A summary of any measures included in the programme of...
- 15 A summary of any measures additional to those referred to...

#### SCHEDULE 2 — Controlled activities regulations: particular purposes

##### Part 1 — LIST OF PURPOSES

- 1 (1) Further defining the activities specified in subsection (3) of...
- 2 (1) Determining the authorities (whether SEPA or any other public...
- 3 (1) Prohibiting persons from carrying on, or from causing or...
- 4 (1) Requiring persons proposing to carry on controlled activities to...
- 5 (1) Prescribing the form and content of applications for water...
- 6 (1) Regulating the procedure for registration required by provision made...
- 7 (1) Authorising, or authorising regulators to make, vary and revoke...
- 8 Publicity and consultation
- 9 Requiring or authorising regulators to carry out consultation in connection...
- 10 Enforcement and offences
- 11 (1) Authorising regulators to serve on any persons carrying on...
- 12 Creating offences and dealing with matters relating to such offences,...
- 13 Enabling, where a person has been convicted of an offence...
- 14 (1) Conferring rights of appeal in respect of decisions made,...
- 15 (1) Making provision which, subject to any modifications that the...

##### Part 2 — SUPPLEMENTARY PROVISIONS

- 16 The regulations may provide for specified provisions of the regulations...

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- 17 General binding rules may— (a) impose conditions or requirements,
- 18 In connection with the imposition of conditions as mentioned in...
- 19 The regulations may— (a) require any such scheme as is...
- 20 (1) The regulations may provide for any such offence as...
- 21 In this schedule— “general binding rules” means rules specified in...

#### SCHEDULE 3 — Sustainable urban drainage systems: further amendments

- 1 The 1968 Act
- 2 In section 1(1) (duty of Scottish Water to provide for...
- 3 In section 2 (maintenance of public sewers etc.), after “sewers,”...
- 4 In section 3 (power to construct public sewers)—
- 5 In section 3A(2) (vesting of privately constructed sewers)—
- 6 In section 4 (Scottish Water may close or alter public...
- 7 In section 7(1) (agreements between roads authorities and Scottish Water),...
- 8 In section 8(1) (agreements as to provision of sewers etc....
- 9 In section 11(1) (Scottish Water to keep maps of sewers,...
- 10 (1) Section 12 (rights of owners and occupiers to connect...
- 11 In section 14 (direction by Scottish Water as to manner...
- 12 In section 15 (owner or occupier to remedy defects in...
- 13 In section 16 (vesting of sewers and other works in...
- 14 In section 16A (vesting of certain private sewers)—
- 15 In section 17 (Scottish Water may take over private sewage...
- 16 In section 21(1) (buildings not to interfere with sewers), after...
- 17 In section 23 (restriction on working minerals)—
- 18 In section 39 (Scottish Water to have right to sewage),...
- 19 In section 41 (breaking open of streets etc.), after “sewers”...
- 20 In section 45 (production of plans and information)—
- 21 In section 46 (certain matter not to be passed into...
- 22 In section 48(1) (powers of entry)— (a) in paragraph (a),...
- 23 In section 59 (interpretation)— (a) in subsection (1), in the...
- 24 In section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002...

#### SCHEDULE 4 — Modifications of Part III of the 1980 Act

- 1 In section 22 (power to break open streets) of the...
- 2 In section 23 (power to lay mains etc.), after subsection...
- 3 (1) Section 24 (communication and supply pipes) of the 1980...
- 4 (1) Part II of Schedule 3 (provisions as to laying...
- 5 In Schedule 4 (provisions to be incorporated in orders relating...

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