

WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Protection of the water environment

Section 20 – Regulation of controlled activities

80. Subsection (1) confers power on the Scottish Ministers to make regulations for or in connection with the control of any activity (referred to as a “controlled activity”) that they consider is necessary or expedient for the purposes of protecting the water environment.
81. Subsection (2) specifies that Ministers may use this power, in particular, to make provision for the regulation of a number of specified activities (described in subsection (3)) and to make such other provision for or in connection with the basic measures and supplementary measures mentioned in paragraph 2 of Article 11 of the Directive as they consider necessary for the achievement of the environmental objectives set out in river basin management plans.
82. Subsection (3) describes certain activities which the regulations may, in particular, deal with and subsection (6) further defines them.
83. Subsections (4) and (5) enable the regulations made under this section to make provision for any of the purposes set out in schedule 2.
84. This section will enable the Scottish Ministers to implement the requirements of Article 11 of the Directive. Subsection (3)(a) relates to Article 11(3)(g) and (h) of the Directive. Subsections (3)(b) and (3)(c) relate to Article 11(3)(e) of the Directive. Subsection (3) (d) relates to Article 11(3)(i) of the Directive.