



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 1

PURPOSE, GENERAL DUTIES AND DEFINITIONS

2 The general duties

- (1) The Scottish Ministers and SEPA must exercise their functions under the relevant enactments so as to secure compliance with the requirements of the Directive [^{F1}, the Groundwater Directive and the Priority Substances Directive].
- (2) The responsible authorities must exercise their designated functions so as to secure compliance with the requirements of the Directive [^{F2}, the Groundwater Directive and the Priority Substances Directive].
- (3) Subsection (4) applies to—
 - (a) the Scottish Ministers in exercising their functions, and SEPA in exercising its functions, under the relevant enactments in pursuance of subsection (1),
 - (b) the responsible authorities in exercising their designated functions in pursuance of subsection (2).
- (4) The Scottish Ministers, SEPA and the responsible authorities must—
 - (a) have regard to the social and economic impact of such exercise of those functions,
 - (b) so far as is consistent with the purposes of the relevant enactment or designated function in question—
 - (i) promote sustainable flood [^{F3}risk] management, and
 - (ii) act in the way best calculated to contribute to the achievement of sustainable development, and

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- (c) so far as practicable, adopt an integrated approach by co-operating with each other with a view to co-ordinating the exercise of their respective functions.
- (5) Without prejudice to subsections (1) to (4), the Scottish Ministers and every public body and office-holder must, in exercising any functions, have regard to the desirability of protecting the water environment.
- (6) The Scottish Ministers may give directions (whether general or specific) and guidance to—
- (a) SEPA, in relation to the exercise of its functions under the relevant enactments,
 - (b) the responsible authorities, in relation to the exercise of their designated functions;
- and SEPA and the responsible authorities must comply with any such directions and have regard to any such guidance.
- (7) Directions under subsection (6) may include provision for any matter to which the directions relate to be determined, in such manner (if any) as the directions may specify, by a person other than the Scottish Ministers.
- (8) In this section—
- [^{F4} “the Groundwater Directive” means [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration ,]
- [^{F4} “the Priority Substances Directive” means [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy ,]
- “ the relevant enactments ” means this Part [^{F5} , Part 3 of the Regulatory Reform (Scotland) Act 2014] and such other enactments as the Scottish Ministers may by order specify,
- “ responsible authorities ” means such public bodies and office-holders, or public bodies and office-holders of such descriptions, as the Scottish Ministers may by order designate for the purposes of this Part; and “ designated functions ”, in relation to a responsible authority, means such of the authority’s functions relating to the water environment as are specified in relation to the authority in an order made by the Scottish Ministers (whether or not the order designating the authority as a responsible authority).

Textual Amendments

- F1** Words in s. 2(1) inserted (31.12.2020) by virtue of [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 2(2) inserted (31.12.2020) by virtue of [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019](#) (S.S.I. 2019/26), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 2(4)(b)(i) inserted (26.11.2009) by [Flood Risk Management \(Scotland\) Act 2009](#) (asp 6) , s. 97(1) , **Sch. 3 para. 14** (with s. 91) ; S.S.I. 2009/393 , art. 2 , Sch.
- F4** Words in s. 2(8) inserted (14.9.2015) by [The Water Environment and Water Services \(Scotland\) Act 2003 \(Modification of Part 1\) Regulations 2015](#) (S.S.I. 2015/270), regs. 1(1), **2(b)(ii)**
- F5** Words in s. 2(8) inserted (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014](#) (asp 3) , s. 61(2) , **Sch. 3 para. 8(2)** ; S.S.I. 2014/160 , art. 2(1)(2) , Sch.

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Modifications etc. (not altering text)

- C1** S. 2(1)(2) modified (25.11.2009) by [Water Environment \(Groundwater and Priority Substances\) \(Scotland\) Regulations 2009 \(S.S.I. 2009/420\)](#) , regs. 1 , **3(a)**

Commencement Information

- I1** S. 2 in force at 15.12.2003 by [S.S.I. 2003/562](#) , **art. 2(a)**

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