

SCHEDULE 1

Regulation 2(2)

DIRECTIVE DEFINITIONS

“Aquifer” means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.

“Body of groundwater” means a distinct volume of groundwater within an aquifer or aquifers.

“Body of surface water” means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water.

“Coastal water” means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured⁽¹⁾, extending where appropriate up to the outer limit of transitional waters.

“Ecological status” is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.

“Groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“Groundwater status” is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status.

“Inland water” means all standing and flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured.

“Lake” means a body of standing inland surface water.

“Quantitative status” is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.

“River” means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course.

“River basin” means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.

“Surface water” means inland waters, except groundwater; transitional waters and coastal waters except in respect of chemical status for which it shall also include territorial waters.

“Transitional waters” are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.

“Water services” means all services which provide, for households, public institutions or any economic activity:

- (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater,
- (b) waste-water collection and treatment facilities which subsequently discharge into surface water.

“Water use” means water services together with any other activity identified under Article 5 and Annex II having a significant impact on the status of water.

(1) The relevant baseline, for the purposes of this definition and the definition of “inland water”, is that from which the breadth of the territorial sea is measured and is established by section 1 of the Territorial Sea Act 1987 (c. 49) and the Territorial Waters Order in Council (1965 III, p. 6452A).

SCHEDULE 2

Regulation 3(3)

ENACTMENTS IN RELATION TO WHICH DUTIES IN REGULATION 3 APPLY

PART 1

STATUTES

1. Section 2(2) of the European Communities Act 1972(2).
2. The Salmon and Freshwater Fisheries Act 1975(3).
3. Part 2 of the Food and Environment Protection Act 1985(4) (deposits in the sea).
4. Parts 1, 2 and 2A of the Environmental Protection Act 1990(5) (integrated pollution control and air pollution control by local authorities; waste on land; contaminated land).
5. Part 4 of the Water Industry Act 1991(6) (sewerage services).
6. Parts 2 to 5 and 7 to 9 of the Water Resources Act 1991(7) (water resources management; control of pollution of water resources; flood defence; general control of fisheries; land and works powers; information provisions; miscellaneous and supplemental).
7. The Environment Act 1995.

PART 2

SUBORDINATE INSTRUMENTS

8. The Sludge (Use in Agriculture) Regulations 1989(8).
9. The Surface Waters (Dangerous Substances) (Classification) Regulations 1989(9).
10. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(10).
11. The Bathing Waters (Classification) Regulations 1991(11) and the National Rivers Authority (Bathing Waters) Directions 1992(12).
12. The Surface Waters (Dangerous Substances) (Classification) Regulations 1992(13).
13. The Waste Management Licensing Regulations 1994(14).
14. The Urban Waste Water Treatment (England and Wales) Regulations 1994(15).

(2) 1972 c. 68.

(3) 1975 c. 51.

(4) 1985 c. 48.

(5) 1990 c. 43.

(6) 1991 c. 56.

(7) 1991 c. 57.

(8) S.I. 1989/1263, amended by S.I. 1990/1880, 1996/593 and 2000/656.

(9) S.I. 1989/2286.

(10) S.I. 1991/324, amended by S.I. 1997/547.

(11) S.I. 1991/1597, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233 and, in relation to England, S.I. 2003/1238.

(12) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

(13) S.I. 1992/337.

(14) S.I. 1994/1056, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233; relevant amending instruments are S.I. 1994/1137, 1995/288, 1950, 1996/593, 634, 972, 1279, 1998/606, 2746, 2000/1973, 2002/674, 1087 (W.114), 1559, 2980, 2003/595 and 780 (W.91).

(15) S.I. 1994/2841, amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 233 and S.I. 2003/1788.

15. The Protection of Water Against Agricultural Nitrate Pollution (England and Wales) Regulations 1996(16).

16. Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996(17) and the Surface Waters (Abstraction for Drinking Water) Directions 1996(18).

17. The Surface Waters (Fishlife) (Classification) Regulations 1997(19) and the Surface Waters (Fishlife) Directions 1997(20).

18. The Surface Waters (Shellfish) (Classification) Regulations 1997(21) and the Surface Waters (Shellfish) Directions 1997(22).

19. The Surface Waters (Dangerous Substances) (Classification) Regulations 1997(23).

20. The Surface Waters (Dangerous Substances) (Classification) Regulations 1998(24).

21. Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998(25).

22. The Groundwater Regulations 1998(26).

23. The Pollution Prevention and Control (England and Wales) Regulations 2000(27).

24. The Landfill (England and Wales) Regulations 2002(28).

25. The Nitrate Vulnerable Zones (Additional Designations) (England) (No. 2) Regulations 2002(29).

26. The Bathing Waters (Classification) (England) Regulations 2003(30).

27. The Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003(31).

(16) S.I. 1996/888, amended by S.I. 1998/1202, 2002/2297 (W.226) and 2614.

(17) S.I. 1996/3001, amended, in relation to England, by S.I. 2000/3184 and, in relation to Wales, by S.I. 2001/3911.

(18) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

(19) S.I. 1997/1331, amended by S.I. 2003/1053.

(20) Amended by the Surface Waters (Fishlife) (Amendment) Directions 2003. Copies of both Directions are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE and the Environment Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(21) S.I. 1997/1332.

(22) Copies are available from the Water Quality Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

(23) S.I. 1997/2560.

(24) S.I. 1998/389.

(25) S.I. 1998/1202, amended by S.I. 2002/2614 and 2003/1852 (W.202).

(26) S.I. 1998/2746, amended by S.I. 2000/1973.

(27) S.I. 2000/1973; relevant amending instruments are S.I. 2001/503, 2002/275, 1559, 1702, 2688, 2980 and 2003/1699.

(28) S.I. 2002/1559.

(29) S.I. 2002/2614.

(30) S.I. 2003/1238.

(31) S.I. 2003/1788.