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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2005 No.**

**The Contaminated Land (Scotland) Regulations 2005**

**Amendment of the Contaminated Land (Scotland) Regulations 2000**

3.—(1) The Contaminated Land (Scotland) Regulations 2000(1) are amended as follows.

(2) For regulation 3 (Pollution of controlled waters), substitute—

“3. For the purposes of regulation 2(1)(a), this regulation applies to land where—

- (a) the water environment which is, or is intended to be, used for the supply of drinking water for human consumption is being affected by the land and, as a result, requires a treatment process or a change in such a process to be applied to it before use, so as to be regarded as wholesome within the meaning of Part VIA of the Water (Scotland) Act 1980;
- (b) waters are being affected by the land and, as a result, those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 30B of the Control of Pollution Act 1974; or
- (c) the water environment is being affected by the land and—
  - (i) any of the substances by reason of which the pollution of the water environment is being or is likely to be caused falls within any of the families or groups of substances listed in Schedule 1 to these Regulations; and
  - (ii) the water environment, or any part of the water environment, is contained within underground strata which comprise wholly or partly Devonian Sandstones or Permo-Triassic Sandstones.”

(3) In each of the following provisions, for “controlled waters” wherever the expression occurs, substitute “the water environment”—

regulation 5(2),

regulation 7(1)(h) and (j), and

in Schedule 2 (Remediation Notice), in the form of remediation notice.

(4) In Schedule 4 (registers)—

(a) for paragraph 2(c) substitute—

“(c) the significant harm or significant pollution of the water environment by reason of which the contaminated land in question is contaminated land;” and

(b) for paragraph 13(c) substitute—

“(c) any steps of which the authority has knowledge, carried out under section 27, or by means of enforcement action (within the meaning of section 78YB(2C)) towards remedying any significant harm or significant pollution of the water environment by reason of which the land in question is contaminated land.”

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a  
Scottish Statutory Instrument: The Contaminated Land (Scotland) Regulations 2005 No. 658

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