
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

**The Water Environment (Controlled
Activities) (Scotland) Regulations 2005**

PART I

General

Interpretation

2.—(1) In these Regulations—

“the Act” means the Water Environment and Water Services (Scotland) Act 2003;

“an application” means an application made in accordance with regulation 12;

“authorisation” means an authorisation granted under regulation 7, 8 or 9;

“controlled activity” is any activity referred to in regulation 4(1);

“the Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy as amended⁽¹⁾;

“the Groundwater Directive” means Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances⁽²⁾;

“general binding rules” has the meaning given in regulation 7;

“land” includes land covered by water, and any works, plant or fixed machinery, building or other structure in, on or over land;

“operator” means, in relation to a controlled activity, any person who carries on or has control over the carrying on of that activity;

“person” includes a body corporate, limited liability partnership and Scottish partnership;

“pollutant” means any substance or heat liable to cause pollution, including those listed in Schedule 1, and for the purposes of this definition “substance” includes bacteria and other pathogens;

“premises” includes any land, vehicle, vessel or mobile plant;

“the register” means the register maintained by SEPA under regulation 33;

“registration” means an authorisation granted under regulation 8;

“responsible person” means the person who is responsible for securing compliance with the terms of a water use licence and has been identified as such by SEPA in accordance with regulation 9(6), and for the purposes of these Regulations includes—

(1) O.J. No. L 327, 22.12.2000, p.1; amended by decision [2455/2001/EC](#) of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive [2000/60/EC](#) (O.J. No. L 331, 15.12.2001, p.1).

(2) O.J. L 020, 26.1.80, p.43.

- (a) where the responsible person has been adjudged bankrupt or the estate of the responsible person is sequestrated, the trustee in bankruptcy;
- (b) where an executor has been appointed to the responsible person's estate, the executor;
- (c) where the responsible person is a company, and—
 - (i) a receiver has been appointed, the receiver;
 - (ii) an administrator has been appointed, the administrator;
 - (iii) a liquidator has been appointed, the liquidator;

“SEPA” means the Scottish Environment Protection Agency; and

“water use licence” means an authorisation granted under regulation 9.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15 of the Electronic Communications Act 2000⁽³⁾ which has been recorded in written form and is capable of being reproduced in that form.

(3) 2000 c. 7; amended by the Communications Act 2003 (c. 21).