

EXECUTIVE NOTE

The Surface Waters (Fishlife) (Classification) (Scotland) Amendment Regulations 2007 (S.S I. 2007/178)

Introduction

1. The above instrument is made by Scottish Ministers in exercise of the powers conferred by sections 30B and 104(1) of the Control of Pollution Act 1994 and section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Background

2. The Surface Water (Fishlife) (Classification) (Scotland) Regulations 1997 (“the 1997 Regulations”) prescribe the system for classifying the quality of inland waters which need protection or improvement in order to support fish life. The 1997 Regulations give effect to provisions of Directive 78/659/EEC. That Directive has been amended and consolidated by Directive 2006/44/EC.

Policy Objectives

3. There are no new or amending provisions in the Directive 2006/44/EC to be transposed. However, in order for the 1997 Regulations to continue to have effect, the references in it to Directive 78/659/EEC need to be amended to the consolidated Directive 2006/44/EC. The Surface Waters (Fishlife) (Classification) (Scotland) Amendment Regulations 2007 update the 1997 Regulations to this effect.

There is no reason to issue a consultation about the amendments to reflect the consolidated Directive since they do not result in any changes to the provisions of the 1997 Regulations.

Financial effects

4. There are no financial implications as a result of these amendments to the 1997 Regulations.

**Scottish Executive
March 2007**