
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision for the protection of the water environment. Except where indicated below, the provisions in Parts 2 to 4 apply only in respect of river basin districts designated by order under section 4 of the Water Environment and Water Services (Scotland) Act 2003. The Water Environment and Water Services (Scotland) Act 2003 (Designation of Scotland River Basin District) Order 2003 (S.S.I. 2003/610) designates a single area (covering most of Scotland) which is known as the “Scotland River Basin District”. Part 1 makes general provision as to citation, commencement and general interpretation. Part 2 supplements the provisions in Part 1 of the Water Environment and Water Services (Scotland) Act 2003 (“the Act”) so as to set out in regulations further provision to reflect the requirements of Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (“Water Framework Directive”). Part 3 sets out further provision to reflect the requirements of Directive [2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy (“Priority Substances Directive”). The power to designate mixing zones in regulation 18(1) to (3) may be exercised in relation to any area of the water environment in Scotland (and is not confined to areas within the Scotland River Basin District). Regulation 19(1) to (4) (register of emissions, discharges and losses) also applies to the whole of Scotland. Part 4 sets out further provision to reflect the requirements of Directive [2006/118/EC](#) the European Parliament and of the Council on the protection of groundwater against pollution (“Groundwater Directive”). Part 5 modifies several enactments in connection with Part 1 of the Act (regulations 25 to 28). In addition, regulation 29 revokes several enactments in consequence of the Water Framework Directive (including its repeal of Directive [2006/44/EC](#) (OJ L 264, 25.9.2006, p.20) and Directive [2006/44/EC](#) (OJ L 376, 27.12.2006, p.14, as amended by OJ L 311, 21.11.2008, p.1)). The powers in section 2(2) of the European Communities Act 1972 (c. 68) (“the 1972 Act”) are exercised so far as may be necessary (to supplement the other powers cited) for the purposes of implementing, or enabling the implementation of, obligations created or arising by or under the Water Framework Directive, the Priority Substances Directive and the Groundwater Directive, and for the purposes of dealing with matters arising out of or related to any such obligations. In particular, the powers in section 2(2) of the 1972 Act are cited to enable provision to be made—

- in regulation 4 in connection with the designation of bodies of surface water as artificial or heavily modified in accordance with Article 4(3) of the Water Framework Directive,
- in regulation 18 in connection with the designation of mixing zones adjacent to points of discharge in accordance with Article 4 of the Priority Substances Directive,
- in regulation 19 in connection with the establishment of a register of emissions, discharges and losses of all priority substances and certain other pollutants in accordance with Article 5 of the Priority Substances Directive, and
- in regulation 25 to 29, in so far as they are not ancillary to the other powers cited, to modify and revoke various enactments in connection with the implementation of the Water Framework Directive, Priority Substances Directive and Groundwater Directive.

Changes to legislation:

There are currently no known outstanding effects for the The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013.