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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 391**

The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018

PART 5

Amendments to legislation concerning the water industry

**The Trade Effluent (Asbestos) (Scotland) Regulations 1993**

- 6.—(1) The Trade Effluent (Asbestos) (Scotland) Regulations 1993<sup>(1)</sup> are amended as follows.
- (2) In regulation 1(2) (citation, commencement, extent and interpretation)—
- (a) omit the definition of “local authority”,
  - (b) after the definition of “asbestos”, insert the following definition—  
““Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002<sup>(2)</sup>,” and
  - (c) after “Council [Directive 87/217/EEC](#)” insert “, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council<sup>(3)</sup>,”.
- (3) In regulation 2(1) (discharges of asbestos effluent to public sewers), for “every local authority” substitute “Scottish Water”.
- (4) In regulation 3 (discharges of asbestos effluent to public sewers)—
- (a) in each place it occurs, for “a local authority” substitute “Scottish Water”, and
  - (b) in paragraph (2)(a), for “the local authority” substitute “Scottish Water”.
- (5) In regulation 4 (information required in connection with implementation of Council [Directive 87/217/EEC](#)), for “every local authority” substitute “Scottish Water”.
- (6) In regulation 5 (enforcement of duties imposed on local authorities)—
- (a) in paragraph (1), for “a local authority” and for “the authority”, in each case, substitute “Scottish Water”,
  - (b) in paragraph (2)(b), for “the authority” substitute “Scottish Water”, and
  - (c) in paragraph (3), for “the authority declared to be in default by such an order fails to comply with any requirements thereof within the time specified therein for compliance,” substitute “Scottish Water fails to comply with an order under paragraph (1),”.

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<sup>(1)</sup> S.I. 1993/1446.

<sup>(2)</sup> 2002 asp 3.

<sup>(3)</sup> OJ L 150, 14.6.2018, p.155.

## The Urban Waste Water Treatment (Scotland) Regulations 1994

7.—(1) The Urban Waste Water Treatment (Scotland) Regulations 1994<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “the Directive”, after “treatment” insert “, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council,”,

(b) omit the definition of “local authority”,

(c) after the definition of “population equivalent”, insert the following definition—

““Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002,” and

(d) in the words after the definition of “urban waste water”, after “used” insert “in these Regulations and”.

(3) In regulation 4 (duty to provide and maintain collecting systems and treatment plants), in both places it occurs, for “every local authority” substitute “Scottish Water”.

(4) In regulation 6 (discharges of treated urban waste water), in both places it occurs, for “a local authority” substitute “Scottish Water”.

(5) In regulation 7 (discharges of industrial waste water to collecting systems or treatment plants)

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(a) in both places it occurs, for “every local authority” substitute “Scottish Water”,

(b) in each place it occurs, for “a local authority” substitute “Scottish Water”, and

(c) in paragraph (4)(a), for “the local authority” substitute “Scottish Water”.

(6) In regulation 13(1) (information required in connection with implementation of the Directive)<sup>(5)</sup>, for “every local authority” substitute “Scottish Water”.

(7) In regulation 14 (enforcement of duties imposed on local authorities)—

(a) in paragraph (1), for “a local authority” and for “the authority”, in each case, substitute “Scottish Water”,

(b) in paragraph (2)(b), for “the authority” substitute “Scottish Water”, and

(c) in paragraph (3), for “the authority declared to be in default by such an order fails to comply with any requirement thereof within the time specified therein for compliance,” substitute “Scottish Water fails to comply with an order under paragraph (1),”.

(8) In schedule 1, in Part I (criteria for identification of sensitive areas), in sub-paragraph (b), for the words from “the concentration” to “Member States” substitute “50 mg/l of nitrates in 95% of the samples”.

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(4) S.I. 1994/2842.

(5) Regulation 13(1) was amended by S.I. 1996/973.