
STATUTORY INSTRUMENTS

2004 No. 99

The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004

Title, commencement and extent

1.—(1) These Regulations may be cited as the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 and shall come into force on 10th February 2004.

(2) Regulation 5 has the same extent as Part 1 of the Scottish Act (protection of the water environment), and the other provisions of these Regulations extend to Great Britain and the adjacent territorial sea.

Interpretation

2.—(1) In these Regulations—

“the Agencies” means the Agency and SEPA acting jointly;

“the Agency” means the Environment Agency;

“body of water” means a body of groundwater or a body of surface water;

“coastal water”, in relation to England, has the same meaning as in the Directive and, in relation to Scotland, has the meaning given by section 3(8) of the Scottish Act (the water environment: definitions);

[^{F1}“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;]

[^{F2}“environmental objectives” means—

- (a) the objectives required to comply with Article 4 of the Directive (environmental objectives) including any objectives required to comply with Article 7(2) and (3) of the Directive (waters used for the abstraction of drinking water) and the EQS Directive; and
- (b) in relation to a shellfish water protected area within the Solway Tweed River Basin District, without prejudice to the objectives under paragraph (a), the water quality objectives necessary or desirable to improve or protect that shellfish water protected area in order to support shellfish life and growth and to contribute to the high quality of shellfish products suitable for human consumption;]

[^{F3}“the EQS Directive” means [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy;]

[^{F3}“existing obligations” means the obligations (on environmental quality standards in the field of water policy) under the EQS Directive before it was amended by [Directive 2013/39/EU](#) of the European Parliament and of the Council including, in particular, the achievement of good surface water chemical status in relation to the substances and the associated environmental quality standards listed in the EQS Directive before it was so amended;]

[^{F3}“the Groundwater Directive” means [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration;]

“the Ministers” means the Secretary of State and the Scottish Ministers acting jointly;

“programme of measures” means the programme of measures required to comply with Article 11(2) to (6) of the Directive [^{F4}, Article 3(1a) of the EQS Directive, and Articles 5(2) and 6(1) of the Groundwater Directive] ;

“public body” does not include a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975(1), the Scottish Ministers, or any body or person having functions in relation only to Scotland, but otherwise it does include—

- (a) a person holding an office—
 - (i) under the Crown;
 - (ii) created or continued in existence by public general Act of Parliament; or
 - (iii) the remuneration in respect of which is paid out of money provided by Parliament; and
- (b) a statutory undertaker (being a person who by virtue of section 262 of the Town and Country Planning Act 1990(2) is, or is deemed to be, a statutory undertaker for any purpose);

“relevant functions” means—

- (a) in relation to the Secretary of State and the Agency, their functions under Schedule 1 and, so far as material, the enactments listed in Parts 1 and 2 of Schedule 2 (which relate to statutes and subordinate instruments respectively); and
- (b) in relation to the Scottish Ministers and SEPA, their functions under Schedule 1 and under Part 1 of the Scottish Act (protection of the water environment) as applied by regulation 5;

“relevant offices” means—

- (a) in relation to the Agency, its principal office and the principal office for each of its regions; and
- (b) in relation to SEPA, its head office and each of its regional offices within the Solway Tweed River Basin District;

“responsible authority” has the meaning given by section 2(8) of the Scottish Act;

“river basin district” means a district which is the main unit for the management of river basins for the purposes of the Directive, being made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water;

“the Scottish Act” means the Water Environment and Water Services (Scotland) Act 2003(3);

“the Scottish Ministers” has the meaning given by section 127 of the Scotland Act 1998(4);

“SEPA” means the Scottish Environment Protection Agency; and

[^{F3}“shellfish” means crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish;

“shellfish water objectives” means the objectives in paragraph (b) of the definition of environmental objectives;

“shellfish water protected area” means—

(1) 1975 c. 26.
 (2) 1990 c. 8; section 262 was amended by the Gas Act 1995 (c. 45), section 16(1) and Schedule 4, paragraph 18(2), S.I.1996/593 and the Transport Act 2000 (c. 38), section 37 and Schedule 5, paragraph 6.
 (3) 2003 asp 3.
 (4) 1998 c. 46.

- (a) in relation to an area of water in England, an area of water designated under regulation 3A;
- (b) in relation to an area of water in Scotland, an area of water designated under section 5A of the Scottish Act;]

“the Solway Tweed River Basin District” means the area identified by regulation 3(1).

[^{F3}“the table of priority substances” means the table in Part A of Annex I to the EQS Directive;]

(2) Any expression used in both these Regulations and the Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Directive, and the definitions contained in the Directive of expressions used in these Regulations are set out in Schedule 3 (references in those definitions to an Annex or an Article being to an Annex to, or an Article of, the Directive).

[^{F5}(3) For the purposes of these Regulations, references to the Directive, the EQS Directive and the Groundwater Directive, or to any provision of them, are to be read in accordance with Schedule 5.]

Textual Amendments

- F1** Words in reg. 2(1) substituted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\)](#), reg. 1(2), **Sch. 2 para. 1(a)**
- F2** Words in reg. 2(1) substituted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\)](#), reg. 1(2), **Sch. 2 para. 1(b)**
- F3** Words in reg. 2(1) inserted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\)](#), reg. 1(2), **Sch. 2 para. 1(c)**
- F4** Words in reg. 2(1) substituted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\)](#), reg. 1(2), **Sch. 2 para. 1(d)**
- F5** Reg. 2(3) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **11(2)**; 2020 c. 1, Sch. 5 para. 1(1)

The Solway Tweed River Basin District

[^{F6}3.—(1) The area shown on the official map is identified as a river basin district for the purposes of these Regulations and shall be known as the Solway Tweed River Basin District.

(2) The Agency must ensure that the official map is published on its website and made available to the public at its principal office.

(3) SEPA must ensure that the official map is published on its website and made available to the public at its principal office.

(4) In this regulation—

- (a) “the official map” means the map of the Solway Tweed River Basin District contained in the river basin management plan for the District published by the Ministers under paragraph 7(4) of Schedule 1;
- (b) “river basin district” means a district which is the main unit for the management of river basins for the purposes of the Directive, being made up of neighbouring river basins together with associated groundwater, transitional waters and coastal water.]

Textual Amendments

- F6** Reg. 3 substituted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\), reg. 1\(2\), Sch. 2 para. 2](#)

The general duties

4. The Secretary of State, the Scottish Ministers, the Agency and SEPA must exercise their relevant functions so as to secure—

- (a) that the requirements of the Directive [^{F7}and of the EQS Directive for the achievement of the] environmental objectives, and in particular the programme of measures, are co-ordinated for the whole of the Solway Tweed River Basin District; and
- (b) compliance in relation to that district with the other requirements of the Directive [^{F8}, the EQS Directive and the Groundwater Directive].

Textual Amendments

- F7** Words in reg. 4(a) substituted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\), reg. 1\(2\), Sch. 2 para. 3\(a\)](#)
- F8** Words in reg. 4(b) inserted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\), reg. 1\(2\), Sch. 2 para. 3\(b\)](#)

Application of Part 1 of the Scottish Act in relation to the Solway Tweed River Basin District

5.—(1) Part 1 of the Scottish Act (protection of the water environment) shall apply in relation to the Solway Tweed River Basin District subject to the modifications set out in Schedule 4.

(2) Nothing in paragraph (1) enables [^{F9}orders made under section 5A or] regulations made under section 20, 22, 23 or 25 to apply in relation to any part of the Solway Tweed River Basin District outside Scotland.

Textual Amendments

- F9** Words in reg. 5(2) inserted (3.3.2016) by [The Water Environment \(Water Framework Directive\) \(Northumbria and Solway Tweed River Basin Districts\) \(Amendment\) Regulations 2016 \(S.I. 2016/139\), reg. 1\(2\), Sch. 2 para. 4](#)

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Changes to legislation:

There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004.