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STATUTORY INSTRUMENTS

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**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);

“the Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy, as amended<sup>(1)</sup>;

“environmental objectives” means 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);

“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 (programme of measures);

“public body” does not include a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975<sup>(2)</sup>, 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

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(1) O.J. No. L327, 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. L331, 15.12.2001, p. 1).

(2) [1975 c. 26](#).

- (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<sup>(3)</sup> 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<sup>(4)</sup>;

“the Scottish Ministers” has the meaning given by section 127 of the Scotland Act 1998<sup>(5)</sup>;

“SEPA” means the Scottish Environment Protection Agency; and

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

(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).

### **The Solway Tweed River Basin District**

**3.—(1)** The area shown on the deposited 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 Secretary of State, the Scottish Ministers, the Agency and SEPA must ensure that the deposited map is made available to the public through their websites and at the relevant places.

(3) The relevant places are—

- (a) in the case of the Secretary of State, the principal library of the Department for Environment, Food and Rural Affairs;
- (b) in the case of the Scottish Ministers, the Information Centre of the Scottish Parliament; and
- (c) in the case of the Agency and SEPA, the relevant offices.

(3) 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.

(4) 2003 asp 3.

(5) 1998 c. 46.

(4) In this regulation, “the deposited map” means the map and related information recorded on the CD-ROM which is—

- (a) entitled “The Solway Tweed River Basin District 2004”; and
- (b) deposited in the principal library of the Department for Environment, Food and Rural Affairs.

#### **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 for the achievement of its 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.

#### **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 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.

19th January 2004

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