

SCHEDULE 4

Regulation 5(1)

MODIFICATION OF THE SCOTTISH ACT IN ITS APPLICATION
IN RELATION TO THE SOLWAY TWEED RIVER BASIN DISTRICT

1. Part 1 of the Scottish Act in its application in relation to the Solway Tweed River Basin District is modified as follows.

2. Sections 4 to 15, 17 and 19 (river basin management planning) shall not apply.

3. Section 16 (duty to have regard to river basin management plans and sub-basin plans) shall have effect as if—

(a) references to a river basin district, within the meaning of section 28(1) of the Scottish Act, included references to the Solway Tweed River Basin District; and

(b) in relation to that district—

(i) in paragraph (a), the reference to the river basin management plan, within the meaning of section 28(1) of the Scottish Act, were a reference to the river basin management plan for that district as approved under paragraph 10 of Schedule 1 to these Regulations and any supplementary plan prepared under paragraph 12 of that Schedule; and

(ii) paragraphs (b) and (c) were omitted.

4. Section 18(1) and (2) (power to obtain information and documents etc.) shall have effect as if references to SEPA's functions under Chapter 2 of Part 1 (protection of the water environment) included references to SEPA's relevant functions and its duty under regulation 4.

5. Sections 20(2)(b) (regulation of controlled activities) and 22(1) (remedial and restoration measures) and paragraph 2(2) of Schedule 2 (regulators to exercise functions with a view to achieving environmental objectives set out in river basin management plans) shall have effect as if references to environmental objectives set out in river basin management plans included references to environmental objectives set out in any river basin management plan for the Solway Tweed River Basin District approved under paragraph 10 of Schedule 1 to these Regulations.

6. Section 26 (annual report on implementation of Directive) shall have effect as if—

(a) in paragraph (a), the reference to Part 1 (protection of the water environment) included a reference to that Part as applied by regulation 5; and

(b) in paragraph (b), the reference to section 9 (environmental objectives and programmes of measures) included a reference to paragraph 6 of Schedule 1 to these Regulations.

7. Section 27 shall have effect as if the reference to Part 1 (protection of the water environment) included a reference to that Part as applied by regulation 5.