
STATUTORY INSTRUMENTS

2017 No. 407

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

PART 1

Introduction

Interpretation

2.—(1) In these Regulations—

“the 2003 Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003⁽¹⁾;

“the WFD” 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⁽²⁾;

“the GWD” means [Directive 2006/118/EEC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration⁽³⁾;

“the EQSD” means [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy⁽⁴⁾;

“the Agency” means the Environment Agency;

“the appropriate agency”, except as provided for by regulation 9(8), means—

- (a) in relation to a river basin district that is wholly in England, the Agency;
- (b) in relation to a river basin district that is wholly in Wales, NRW;
- (c) in relation to a river basin district that is partly in England and partly in Wales, the Agency and NRW acting jointly;

“the appropriate authority”, except as provided for by regulation 9(8), means—

- (a) in relation to a river basin district that is wholly in England, the Secretary of State;
- (b) in relation to a river basin district that is wholly in Wales, the Welsh Ministers;
- (c) in relation to a river basin district that is partly in England and partly in Wales, the Secretary of State and the Welsh Ministers acting jointly;

“artificial or heavily modified water body” means a body of surface water designated as such under regulation 15;

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

“drinking water protected area” has the meaning given by regulation 8;

“England” includes the territorial sea adjacent to England not forming any part of Wales;

(1) [S.I. 2003/3242](#), amended by [S.I. 2005/2035](#), [2010/630](#), [2011/556](#), [603](#), [1043](#), [2013/755 \(W. 90\)](#), [2015/1623](#), [2016/138](#), [1154](#).
(2) OJ No L 327, 22.12.2000, p1, as last amended by Commission [Directive 2014/101/EU](#) (OJ No L 311, 31.10.2014, p32).
(3) OJ No L 372, 27.12.2006, p19, as last amended by Commission [Directive 2014/80/EU](#) (OJ No L 182, 21.6.2014, p52).
(4) OJ No L 348, 24.12.2008, p84, as last amended by [Directive 2013/39/EU](#) (OJ No L 226, 24.8.2013, p1).

“environmental objectives”, in relation to a river basin district or body of water, means the objectives set under regulation 12 in accordance with regulation 13;

“NRW” means the Natural Resources Body for Wales;

“programme of measures”, in relation to a river basin district, means the programme of measures established under regulation 12 in accordance with regulation 20;

“protected area” means an area included on a register in accordance with regulation 10;

“public body” does not include a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975⁽⁵⁾, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, but does include—

- (a) a person otherwise holding an office—
 - (i) under the Crown,
 - (ii) created or continued in existence by a public general Act of Parliament, or
 - (iii) the remuneration in respect of which is paid out of money provided by Parliament;
- (b) a statutory undertaker, being a person who by virtue of section 262 of the Town and Country Planning Act 1990⁽⁶⁾ is, or is deemed to be, a statutory undertaker for any purpose;

“relevant functions” means functions under these Regulations and, so far as material, the enactments listed in Parts 1 and 2 of Schedule 2 (which relate to statutes and subordinate legislation);

“river basin district” means an area identified by regulation 4(1), being the main unit for the management of river basins for the purposes of the WFD and being made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water;

“river basin management plan” means a plan to which Part 6 applies;

“shellfish” means any bivalve or gastropod mollusc;

“shellfish water protected area” has the meaning given by regulation 9;

“status”, in relation to a body of water, is a reference to its surface water status or groundwater status (as the case may be);

“the table of priority substances” means the table in Part A of Annex I to the EQSD;

“Wales” has the meaning given by section 158 of the Government of Wales Act 2006⁽⁷⁾;

“water intended for human consumption” has the same meaning as in Council Directive 98/83/EC on the quality of water intended for human consumption⁽⁸⁾.

(2) In these Regulations, where the appropriate agency is required to make copies of a list, statement, summary, draft plan or plan accessible to the public free of charge—

- (a) references to doing so through its website mean—
 - (i) where the Agency is the appropriate agency, through its website;
 - (ii) where NRW is the appropriate agency, through its website;
 - (iii) where the Agency and NRW acting jointly are the appropriate agency, through their respective websites;

(5) 1975 c. 26.

(6) 1990 c. 8; section 262 was amended by section 84 of, and Part 2 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34), section 76(7) of the Utilities Act 2000 (c. 27), section 37 of, and Schedule 5 to, the Transport Act 2000 (c. 38) and by S.I. 2001/1149 and 2013/755 (W. 90).

(7) 2006 c. 32; there are amendments to section 158 not relevant to these Regulations.

(8) OJ No L 330, 5.12.1998, p32, as last amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015, p6).

- (b) references to doing so at its principal office mean—
 - (i) where the Agency is the appropriate agency, at its principal office;
 - (ii) where NRW is the appropriate agency, at its principal office;
 - (iii) where the Agency and NRW acting jointly are the appropriate agency, at their principal offices.
- (3) Expressions used in both these Regulations and the WFD and which are listed in Schedule 1 have the meaning given in that Schedule.
- (4) Expressions used in both these Regulations and the WFD and not otherwise defined in these Regulations have the same meaning for the purposes of these Regulations as they do for the purposes of the WFD.