
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 368

ENVIRONMENTAL PROTECTION

**The Water Environment (Relevant Enactments
and Designation of Responsible Authorities
and Functions) (Scotland) Order 2011**

Made - - - - 25th October 2011
*Laid before the Scottish
Parliament* - - - - 27th October 2011
Coming into force - - 1st December 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2(8) of the Water Environment and Water Services (Scotland) Act 2003(1) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) (Scotland) Order 2011 and comes into force on 1st December 2011.

(2) In this Order, “the Act” means the Water Environment and Water Services (Scotland) Act 2003.

Specification of relevant enactments

2. The enactments referred to in Schedule 1 are specified as relevant enactments for the purposes of section 2 of the Act(2).

Designation of responsible authorities and functions

3.—(1) The public bodies and office holders referred to in column 1 of Schedule 2 are designated as responsible authorities for the purposes of Part 1 of the Act.

(2) The functions conferred upon each responsible authority by the enactments shown in column 2 of Schedule 2 are, insofar as they relate to the water environment, specified as designated functions of that authority for the purposes of Part 1 of the Act.

(1) [2003 asp 3](#).

(2) Section 2 imposes duties on the Scottish Ministers and SEPA with regard to the exercise of their functions under the enactments specified in Schedule 1 to this Order; insofar as such enactments confer functions upon a Minister of the Crown, which are exercisable within devolved competence, such functions were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

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Revocation

4. The Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) Order 2008(3) is revoked.

St Andrew's House, Edinburgh
25th October 2011

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Article 2

Coast Protection Act 1949**(4)**.
 Roads (Scotland) Act 1984**(5)**.
 Natural Heritage (Scotland) Act 1991**(6)**.
 The Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996**(7)**.
 Town and Country Planning (Scotland) Act 1997**(8)**.
 Water Industry (Scotland) Act 2002**(9)**.
 The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006**(10)**.
 Transport and Works (Scotland) Act 2007**(11)**.
 Aquaculture and Fisheries (Scotland) Act 2007**(12)**.
 The Bathing Waters (Scotland) Regulations 2008**(13)**.
 The Aquatic Animal Health (Scotland) Regulations 2009**(14)**.
 The Flood Risk Management (Scotland) Act 2009**(15)**.
 The Marine (Scotland) Act 2010**(16)**.
 The Water Environment (Controlled Activities) (Scotland) Regulations 2011**(17)**.

SCHEDULE 2

Article 3

<i>Public bodies and office holders</i>	<i>Enactments</i>	<i>Reference</i>
Councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (18)	The Coast Protection Act 1949	1949 c.74
	The Civic Government (Scotland) Act 1982	1982 c.45
	The Roads (Scotland) Act 1984	1984 c.54
	The Environmental Protection Act 1990	1990 c.43
	The Town and Country Planning (Scotland) Act 1997	1997 c.8.

(4) [1949 c.74.](#)
 (5) [1984 c.54.](#)
 (6) [1991 c.28.](#)
 (7) [S.I. 1996/1564.](#)
 (8) [1997 c.8.](#)
 (9) [2002 asp 3.](#)
 (10) [S.S.I. 2006/582.](#)
 (11) [2007 asp 8.](#)
 (12) [2007 asp 12.](#)
 (13) [S.S.I. 2008/170.](#)
 (14) [S.S.I. 2009/85.](#)
 (15) [2009 asp 6.](#)
 (16) [2010 asp 5.](#)
 (17) [S.S.I. 2011/209.](#)

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	The Flood Risk Management (Scotland) Act 2009	2009 asp 6
	The Bathing Waters (Scotland) Regulations 2008	S.S.I. 2008/170
Scottish Water	The Sewerage (Scotland) Act 1968	1968 c.47
	The Water (Scotland) Act 1980	1980 c.45
	The Water Industry (Scotland) Act 2002	2002 asp 3
	The Urban Waste Water Treatment (Scotland) Regulations 1994	S.I. 1994/2842
Scottish Natural Heritage	The Natural Heritage (Scotland) Act 1991	1991 c.28
	The Nature Conservation (Scotland) Act 2004	2004 asp 6
	The Conservation (Natural Habitats, &c.) Regulations 1994	S.I. 1994/2716
National Park authorities established by order under section 6 of the National Parks (Scotland) Act 2000 ⁽¹⁹⁾	The National Parks (Scotland) Act 2000	2000 asp 10
District Salmon Fishery Boards constituted in terms of section 43 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ⁽²⁰⁾	The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003	2003 asp 15
The British Waterways Board	The Transport Act 1962	1962 c.46
	The British Waterways Act 1995	1995 c.i
The Forestry Commissioners continued in existence by section 1(1) of the Forestry Act 1967 ⁽²¹⁾	The Forestry Act 1967	1967 c.10

⁽¹⁸⁾ 1994 c.39; section 2 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 232(1).

⁽¹⁹⁾ 2000 asp 10; The Loch Lomond and The Trossachs National Park Authority was established by The Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (S.S.I. 2002/201). The Cairngorms National Park Authority was established by the Cairngorms National Park Designation Transitional and Consequential Provisions (Scotland) Order 2003 (S.S.I. 2003/1).

⁽²⁰⁾ 2003 asp 15.

⁽²¹⁾ 1967 c.10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the enactments set out in Schedule 1 as relevant enactments for the purposes of section 2 of the Water Environment and Water Services (Scotland) Act 2003 (“the Act”).

The effect of specification is to require the Scottish Ministers and SEPA to exercise their functions under those enactments so as to secure compliance with the requirements of 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⁽²²⁾ and to act in accordance with the requirements of section 2(4) of the Act.

This Order also designates certain public bodies and office-holders as responsible authorities for the purposes of Part 1 of the Act. Article 3(1) of the Order designates the bodies and office-holders set out in column 1 of Schedule 2 for this purpose.

The functions of those bodies and office-holders which are conferred by the enactments set out in column 2 of Schedule 2, and which relate to the water environment, are specified by Article 3(2) of the Order as designated functions for the purposes of Part 1 of the Act.

(22) O.J. No L 327, 22.12.2000, p.1; amended by decision [2455/2001/EC](#) of the European Parliament and 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. L 331, 15.12.2001, p.1).