

2007 No. 427

WATER

**The Surface Waters (Shellfish) (Classification) (Scotland)
Amendment Regulations 2007**

Made - - - - - *13th September 2007*

Laid before the Scottish Parliament *14th September 2007*

Coming into force - - - *6th October 2007*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 30B and 104(1) of the Control of Pollution Act 1974^(a) and section 2(2) of the European Communities Act 1972^(b) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Surface Waters (Shellfish) (Classification) (Scotland) Amendment Regulations 2007 and come into force on 6th October 2007.

Amendments to the Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997

2.—(1) The Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997^(c) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph (2) of regulation 1 (interpretation), for “Directive 79/923/EEC (the quality required of shellfish waters)” substitute “Directive 2006/113/EC of the European Parliament and of the Council on the quality required of shellfish waters^(d) (“Directive 2006/113/EC”)”.

(3) In any of the following provisions, for “Directive 79/923/EEC” (in each place) substitute “Directive 2006/113/EC”—

- (a) regulation 2 (classification of waters);
- (b) regulation 6(a) (modification of section 30C of the Control of Pollution Act 1974);
- (c) regulation 7(1) (information required in connection with implementation of the Directive).

^(a) 1974 c.40; section 30B was inserted, as part of a substitution of a new Part II of the Act, by the Water Act 1989 (c.15), section 169 and Schedule 23, paragraph 4; section 104(1) was amended by the Water Act 1989, section 169 and Schedule 23, paragraph 7 and by the Environment Act 1995 (c.25), Schedule 22, paragraph 29(34). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

^(b) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27. The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

^(c) S.I. 1997/2470.

^(d) O.J. No. L 376, 27.12.2006, p.14.

(4) In the heading to column 1 of the table contained in the Schedule (criteria for classification of waters as shellfish waters) for “79/923/EEC” substitute “Directive 2006/113/EC”.

MICHAEL RUSSELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
13th September 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997 (“the 1997 Regulations”).

These Regulations update the 1997 Regulations to reflect the revocation of Council Directive 79/923/EEC as amended, and the consolidation of its terms with minor amendments in Directive 2006/113/EC of the European Parliament and of the Council on the quality required of shellfish waters, (O.J. No. L 376, 27.12.2006, p.14).

The 1997 Regulations as amended prescribe a system for classifying the quality of shellfish waters, and apply to coastal and brackish waters requiring protection or improvement in order to support shellfish life and growth, to contribute to the high quality of shellfish products directly edible by man.

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