STATUTORY INSTRUMENTS

2016 No. 139

WATER RESOURCES, ENGLAND
WATER RESOURCES, SCOTLAND

The Water Environment (Water Framework Directive) (Northumbria and Solway Tweed River Basin Districts) (Amendment) Regulations 2016

Made - - - -	*8th February 2016*
Laid before Parliament	*10th February 2016*
Coming into force - -	*3rd March 2016*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Secretary of State is a Minister designated for the purposes of that provision in relation to the environment(**2**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Water Environment (Water Framework Directive) (Northumbria and Solway Tweed River Basin Districts) (Amendment) Regulations 2016.

(2) These Regulations come into force on 3rd March 2016 immediately after the commencement of the Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2016(**3**).

(3) These Regulations extend to Great Britain.

(**1**) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c. 7), Part 1 of the Schedule. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under EU law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable as regards Scotland.
(**2**) S.I. 2008/301.
(**3**) S.I. 2016/138.

Amendments to the Northumbria Regulations

2. The Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 ("the Northumbria Regulations")(**4**) are amended in accordance with Schedule 1.

Amendments to the Solway Tweed Regulations

3. The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 ("the Solway Tweed Regulations")(**5**) are amended in accordance with Schedule 2.

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

8th February 2016

(**4**) S.I. 2003/3245.
(**5**) S.I. 2004/99; relevant amending instruments are 2013/1675 and S.S.I. 2011/228.

SCHEDULE 1

Regulation 2

Amendments to the Northumbria Regulations

1. In regulation 2 (interpretation)—

(a) for the definition of "the Directive" substitute—

> ""the Directive" 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(**6**);";

(b) in the appropriate places insert—

> ""the Agency" means the Environment Agency;";
>
> ""the EQS Directive" means Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy(**7**);";
>
> ""the Groundwater Directive" means Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(**8**);".

2. For regulation 3 (river basin districts) substitute—

"**3.**—(1) The area shown on the official map is identified as a river basin district for the purposes of these Regulations and shall be known as the Northumbria River Basin District.

(2) The Agency must ensure that the official map is published on its website and made available to the public at its principal office.

(3) The Scottish Environment Protection Agency must ensure that the official map is published on its website and made available to the public at its principal office.

(4) In this regulation—

(a) "the official map" means the map of the Northumbria River Basin District produced by the Agency;

(b) "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 neighbouring river basins together with associated groundwater, transitional waters and coastal water.".

3. In regulation 4 (the general duties)—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for "for the achievement of its" substitute "and of the EQS Directive for the achievement of the";

(ii) in sub-paragraph (b), after "Directive" insert ", the EQS Directive and the Groundwater Directive";

(b) in paragraph (2)—

(i) in sub-paragraph (a), after "(waters used for the abstraction of drinking water)" insert ", and to comply with the EQS Directive";

(**6**) OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32). The effect of section 20A of the Interpretation Act 1978 (c.30) is that the reference to Directive 2000/60/EC in the Northumbria Regulations are references to that Directive as last amended by Commission Directive 2014/101/EU.

(**7**) OJ No L 348, 24.12.2008, p 84, as last amended by Directive 2013/39/EU (OJ No L 226, 24.8.2013, p 1).

(**8**) OJ No L 372, 27.12.2006, p 19, as amended by Commission Directive 2014/80/EU (OJ No L 182, 21.6.2014, p 52).

(ii) in sub-paragraph (b), for "(programme of measures)" substitute ", Article 3(1a) of the EQS Directive and Articles 5(2) and 6(1) of the Groundwater Directive".

4. In regulation 5 (application of the provisions of the principal Regulations to the Northumbria River Basin District)—

(a) for paragraphs (1) and (2) substitute—

"(1) Subject to the modifications in paragraphs (2) to (5), the provisions of the principal Regulations(**9**) set out in paragraph (1A) apply to the Northumbria River Basin District as they apply to river basin districts identified by regulation 4(1) of the principal Regulations.

(1A) The provisions of the principal Regulations referred to in paragraph (1) are—

(a) regulations 2, 5 to 18, 19 and 20, in relation to the whole of the Northumbria River Basin District;

(b) regulation 18A, only in relation to the part of the Northumbria River Basin District which is in England.

(2) Regulation 2 (interpretation) shall have effect as if—

(a) in paragraph (1), the definitions of "the appropriate authority", "the appropriate agency" and "the NRBW" were omitted; and

(b) paragraphs (1A) and (1B) were omitted.

(2A) The principal Regulations shall have effect as if, for each reference to "the appropriate agency", there were substituted a reference to "the Agency".

(2B) The principal Regulations shall have effect as if, for each reference to "the appropriate authority", there were substituted a reference to "the Secretary of State".

(2C) Regulation 7A (designation of shellfish waters) shall have effect as if paragraph (7) were omitted.";

(b) in paragraph (3)—

(i) in the modification made by sub-paragraph (a) to regulation 12(2), omit "and at the principal office for its East Region";

(ii) in the modification made by sub-paragraph (c)(iii) to regulation 12(4), for "Commissioners" substitute "Commission";

(iii) in the modification made by sub-paragraph (d) to regulation 12(5)—

(aa) in sub-paragraph (a) as modified, for "English Nature" substitute "Natural England";

(bb) for sub-paragraph (c) as modified, substitute—

"(c) "the River Tweed Commission" means the body constituted in accordance with article 5 of the Scotland Act 1998 (River Tweed) Order 2006(**10**);";

(c) in the modification made by paragraph (4) to regulation 13(1), omit "and at the principal office for its East Region";

(d) in the modification made by paragraph (5) to regulation 14(3), omit "and at the principal office for its East Region";

(e) after paragraph (5) insert—

(**9**) S.I. 2003/3242, amended by S.I. 2005/20352011/603, 2011/1043, 2013/755, 2015/1623; there are other amending instruments but none are relevant.

(**10**) S.I. 2006/2913, to which there are amendments not relevant to these Regulations.

"(6) Regulation 17 (duty to have regard to plans) shall have effect as if "the Welsh Ministers," and ", the NRBW" were omitted.".

5. In regulation 6 (application of Part 1 of the Scottish Act to the Northumbria River Basin District), omit paragraph (6).

SCHEDULE 2

Regulation 3

Amendments to the Solway Tweed Regulations

1. In regulation 2(1) (interpretation)—

(a) for the definition of "the Directive" substitute—

""the Directive" 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;";

(b) for the definition of "environmental objectives" substitute—

""environmental objectives" means—

(a) 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) and the EQS Directive; and

(b) in relation to a shellfish water protected area within the Solway Tweed River Basin District, without prejudice to the objectives under paragraph (a), the water quality objectives necessary or desirable to improve or protect that shellfish water protected area in order to support shellfish life and growth and to contribute to the high quality of shellfish products suitable for human consumption;";

(c) in the appropriate places insert—

""the EQS Directive" means Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy;";

""existing obligations" means the obligations (on environmental quality standards in the field of water policy) under the EQS Directive before it was amended by Directive 2013/39/EU of the European Parliament and of the Council(**11**) including, in particular, the achievement of good surface water chemical status in relation to the substances and the associated environmental quality standards listed in the EQS Directive before it was so amended;";

""the Groundwater Directive" means Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration;";

""shellfish" means crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish;";

""shellfish water objectives" means the objectives in paragraph (b) of the definition of environmental objectives;";

""shellfish water protected area" means—

(**11**) OJ No L 226, 24.8.2013, p 1.