

Current water legislation, policy and Plans (Scotland & Northern Ireland)			
Policy/ legislation	Key provisions	Applies to Scotland?	Applies to Northern Ireland?
Primary legislation			
2011- Reservoirs (Scotland) Act	<p>The Reservoirs (Scotland) Act 2011 will place a new regulatory duty upon SEPA to ensure reservoirs are monitored, inspected and maintained in accordance with the legislation to ensure their structural integrity. SEPA will be required to assign a risk designation of either 'high', 'medium' or 'low' to all sites covered by the legislation. These designations will be based on the potential adverse consequences of an uncontrolled release of water and the probability of such a release. Thereafter SEPA is required to ensure that each site is monitored and inspected by an engineer employed by the reservoir manager and, where necessary, that safety works are undertaken within stipulated timescales.</p>	✓	
2010 – Marine (Scotland) Act	<p>There are competing demands on Scotland's marine environment. Some of these activities are controlled, however there is little strategic overview of the use of the marine environment. The Act creates a framework to manage the growing and competing demands for the use of marine resources in the seas around Scotland, integrating environmental and socio-economic considerations to maximise economic growth within sustainable environmental limits.</p>	✓	

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Northern Ireland Marine Bill (proposed)	The proposed Northern Ireland Marine Bill will contain provisions for marine planning and marine nature conservation within Northern Ireland's territorial waters (within the 12 nautical mile limit) and subject to discussions with the other Government Departments may contain provisions for further streamlining of licensing for devolved functions. A consultation document A Northern Ireland Marine Bill Policy Proposals – Consultation Document proposes a framework for Northern Ireland's seas based on; a new system of marine planning that will balance conservation, energy and other resource needs; a further streamlining of marine licensing above that already provided for in the UK Act and improved processes for marine nature conservation. The consultation period closed on 9 July 2010.		✓
2009 - Environmental Protection (Restriction on Use of Lead Shot) (Northern Ireland) Regulations	Makes shooting with lead shot on or over wetlands in Northern Ireland an offence punishable by fine		✓
2009 - Groundwater (Amendment) Regulations (Northern Ireland) SR 359	Introduces classification systems in line with EU developments, makes it an offence to discharge listed substances without an authorisation, controls issuing and reviewing authorisations and consents. Covers enforcement, codes of practice and penalties.		✓

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2009 – Marine and Coastal Access Act	The UK Government's Marine and Coastal Access Act 2009 gained Royal Assent on 12 November 2009. The aim of the UK Act is to provide a framework to regulate marine activities to ensure sustainable use and protection of marine resources and to safeguard clean, healthy, safe, productive and biologically diverse oceans and seas. Northern Ireland is included in the UK Act for the provisions relating to the Marine Policy Statement, marine planning in Northern Ireland's offshore area (from the 12 nautical mile limit to the boundary of the Northern Ireland zone) and the reform of marine licensing insofar as it relates to the Food and Environment Protection Act 1985 and marine aggregates extraction.	✓	✓
2009 – Flood Risk Assessment (Scotland) Act	This Act introduces a framework to reduce the adverse consequences of flooding for human health, the environment, cultural heritage and economic activity. It transposes the EU Floods Directive, updates legislation on flooding and amends legislation related to reservoirs in Scotland.	✓	

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2003 – Water Environment and Water Services (Scotland) Act	<p>Enabling legislation in Scotland for the Water Framework Directive and aims to:</p> <ul style="list-style-type: none"> • Prevent deterioration of the status of groundwater bodies; • Protect, enhance and restore all bodies of groundwater with the aim of achieving good groundwater status by 2015; • Prevent or limit the input of pollutants to groundwater and reverse any significant and sustained upward trends in the concentration of pollutants in groundwater; • Achieve compliance with any relevant standards and objectives for protected areas. 	✓	
2001 - Fisheries (Amendment) Act (Northern Ireland)	Amends the Fisheries Act (Northern Ireland) 1966 and aims to protect fisheries and their habitats.		✓
1999 - The Water (Northern Ireland) Order	Replaced the Water Act (Northern Ireland) 1972. It is designed to combat and prevent pollution affecting waterways and groundwater.		✓
1990 - Environment Protection Act 1990- Part II A: Contaminated land	To prevent additional contaminated land and guidance on risk assessment of contaminated soil and remediation.	✓	✓
1985 - The Food and Environment Protection Act (NI)	Requires a licence to be issued for the deposit of any substance or article in the sea, but also enables exemptions from this requirement to be made.		✓
1949 -The Coast Protection Act	Empowers Local Authorities with coastlines (termed 'Coast Protection Authorities' in the Act) to carry out coast protection work inside and outside their area as necessary.	✓	✓

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<p>1952 - The Foyle Fisheries Act (Northern Ireland) Amended in 1999 and by the 2007 - The Foyle and Carlingford Fisheries (Northern Ireland) Order</p>	<p>The 1952 Act, amended in 1999 and by the 2007 Order, covers the management, conservation, protection and improvement of the fisheries in the Foyle and Carlingford areas, defines functions of the Foyle, Carlingford and Irish Lights Commission (FCILC) (to be carried out through the Loughs Agency), and provides for other matters (including the charging of fees on certain fishing licences). FCILC powers include the development and licensing of aquaculture and development of inland fisheries, and powers to protect fisheries in the Foyle and Carlingford areas.</p>		✓
Secondary legislation			
<p>2011- Water Environment (Controlled Activities) (Scotland) Regulations 2011</p>	<p>Any activity which may affect Scotland's water environment, you must be authorised to do so. Discharges, disposal to land, abstractions, impoundments and engineering works are all regulated by SEPA.</p>	✓	
<p>2011 - Water Quality (Scotland) Regulations 2010</p>		✓	
<p>2011 - Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2011</p>	<p>This refers to the fish farm review process where fish farm previously holding quasi planning consent in the form of works licences under the Orkney County Council Act 1974 and the Zetland County Council, Act 1974 or a consent issued by the Crown Estate Commissioners could make an application to the Government for full planning consent.</p>	✓	

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2011 - Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011	Allows for the introduction of permitted development rights for fish farms. These will allow minor changes to be made to the form or structure of the farm without the need for the operator to make a full planning application the local planning authority. The exact type of development that will be so permitted are still under discussion.	✓	
2011 - Marine Licensing (Register of Licensing Information) (Scotland) Regulations 2011	Requirement for Marine Scotland to establish a public register for all activities licensed under the Marine (Scotland) Act 2010.	✓	
2011 - Marine Licensing (Exempt Activities) (Scottish Offshore Region) Order 2011	Order to Marine Scotland detailing activities which are exempt from the Marine (Scotland) Act 2010 licensing regime.	✓	
2011 - Marine Licensing (Exempt Activities) (Scottish Inshore Region) Order 2011	Order to Marine Scotland detailing activities which are exempt from the Marine (Scotland) Act 2010 licensing regime.	✓	
2011 - Marine Licensing (Register of Licensing Information) Regulations (Northern Ireland) 2011			✓
2011 - Marine Licensing (Exempt Activities) Order (Northern Ireland) 2011			✓
2011 - Water Framework Directive Priority Substances and Classification) Regulations (Northern Ireland) 2011 SR 10	Sets out classification schemes, requiring NIEA to assign a type to each water body and apply defined environmental standards.		✓
2010 - Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 SR412	Imposes general requirements for preventing pollution of any waterway from oil storage, particularly fixed tanks or mobile bowsers. Makes contravention a criminal offence		✓

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2010 – Nitrates Action Programme Regulations (Northern Ireland) 2010 SR 411	Protects water against nitrate pollution from agricultural sources, through controls on activities including spreading fertiliser and storing manure		✓
2010 - Private Water Supplies (Amendment) Regulations (Northern Ireland) SR131	The aim of the Regulations is to provide health protection for consumers of private water supplies and consumers of food produced or prepared using such supplies, by making sure it is clean and wholesome.		✓
2009 – Water Environment (Floods Directive) Regulations (Northern Ireland)	These regulations implement Directive 2007/60/EC, on the assessment and management of flood risk in Northern Ireland, which aims to reduce the adverse consequences of flooding on human health, the environment, cultural heritage and economic activity.		✓
2009 – Water Environment (Groundwater and Priority Substances) (Scotland) Regulations	Provides amendments to the Water Environment and Water Services (Scotland) Act 2003 and the Water Environment (Controlled Activities) (Scotland) Regulations 2005 to transpose the requirements of Directive 2006/118/EC on the protection of groundwater against pollution and deterioration, and transpose the requirements of Directive 2008/105/EC on the control of Priority Substances.	✓	
2008 - The Water Environment (Diffuse Pollution) (Scotland) Regulations 2008	To control the impact of diffuse pollution on the water environment from rural land use activities. Applies to the use of fertilisers, keeping of livestock, land cultivation, drainage, construction of roads and tracks and the application of pesticides and sheep dip.	✓	

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2008 - Bathing Water (Scotland) Regulations	Transposes the revised Bathing Water Directive (2006/7/EC) into Scottish Law. Key features include increased provision of public information, tighter microbiological standards to be met by 2015 and monitoring to be commenced by 2012.	✓	
2007 - Water Supply (Water Quality) (Northern Ireland) Regulations	To protect public health by ensuring that drinking water is "wholesome and clean".		✓
2006 - Private Water Supplies (Scotland) Regulations	Transposes the revised European Drinking Water Directive (Council Directive 98/83/EC) to ensure the provision of clean and wholesome drinking water and deliver significant health benefits to those using such supplies.	✓	
2006 - Water Environment (Oil Storage) (Scotland) Regulations	To control the storage of oil from industrial premises, commercial businesses, institutions (residential and non-residential), and farms.	✓	
2005 - Water Environment (Controlled Activities) (Scotland) Regulations Amended by the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2007	Subjects activities liable to cause pollution, abstractions, impoundments and engineering activities in or near inland surface waters to a system of authorisation. It introduces proportionate, targeted, and risk-based regulation. The Regulations bring into effect the requirements of section 20 of the Water Environment and Water Services Act 2003. It replaces the Control of Pollution Act 1974 and the Groundwater (Scotland) Regulations 1998.	✓	
2003 - The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland)	Brings into force additional anti-pollution controls covering the design, siting, construction and repair of silage, slurry and agricultural fuel oil storage facilities.		✓
2003 - The Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland)	To protect surface water and groundwaters against pollution caused by nitrates from agricultural sources. It is designed both to safeguard water supplies and to prevent wider ecological damage in the form of eutrophication of freshwater and marine waters.		✓

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2003 - The Water Environment (Water Framework Directive) Regulations (Northern Ireland)	Transposes the Water Framework Directive into Northern Ireland legislation. The regulation describes the water environment, sets out the responsibilities of public authorities, allows for the establishment of river basin districts and allows for new controls over activities which directly effect the water environment. The Northern Ireland Environment Agency (NIEA) will run an SEA in parallel with the development of the River Basin Management Plans on a whole of Ireland basis.		✓
2003 - The Pollution Prevention and Control Regulations (Northern Ireland)	Governs the permitting system which aims to protect water, including from landfill and disposal of wastes to land.		✓
2002 - The Designation of Nitrate Vulnerable Zones (Scotland) Regulations	To further implement the requirements of the Nitrates Directive in Scotland concerning the protection of waters against pollution caused by nitrates from agricultural sources.	✓	
2001 - Water Supply (Water Quality) Scotland Regulations	Prescribe standards for a wide range of drinking water quality parameters.	✓	
2000 - Pollution Prevention and Control (Scotland) Regulations	Governs the permitting system which aims to protect water, including from industry, landfill and disposal of wastes to land.	✓	
1998 - The Groundwater Regulations (Northern Ireland)	To prevent pollution of groundwater. Authorisation is required before certain listed substances, including used sheep dips and waste pesticides, are disposed of by land spreading.		✓
1996 - The Surface Waters (Abstraction for Drinking Water) (Classification) Regulations (Northern Ireland)	To set standards for the quality of surface water to be used as sources of public water supply and are now incorporated under The Water Quality Regulations.		✓

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1996 - Protection of Water against Agricultural Nitrate Pollution (Scotland) Regulations	Transposes the Nitrates Directive into Scots Law. Necessitates the production of Action Programmes to work towards achieving the objectives set in the Nitrates Directive.	✓	
Plans			
River Basin Management Plans	A key requirement of the Water Framework Directive which sets out the actions required within each river basin to achieve set environmental quality objectives. The Draft River Basin Management Plans have been produced for each River Basin District in Northern Ireland and Scotland.	✓	✓