



Water Resources (Scotland) Bill

Bill Number:	SP Bill 15
Introduced on:	27 June 2012
Introduced by:	Alex Neil MSP (Government Bill)
Passed:	27 February 2013
Royal Assent:	9 April 2013

Passage of the Bill

The [Water Resources \(Scotland\) Bill](#) (“the Bill”) was introduced in the Scottish Parliament on 27 June 2012 by the Scottish Government. [The Infrastructure and Capital Investment Committee](#) conducted Stage 1 scrutiny of the Bill at meetings between June and November 2012.

The Subordinate Legislation Committee considered the delegated power provisions of the Bill at Stage 1 during its meetings of 2 October 2012 and 30 October 2012. The Subordinate Legislation Committee published its [Stage 1 Report](#) on 1 November 2012.

The Infrastructure and Capital Investment Committee published its [Stage 1 Report](#) on 4 December 2012 and the [Stage 1 debate](#) took place on 19 December 2012.

The Infrastructure and Capital Investment Committee considered amendments to the Bill at Stage 2 during its meeting of [23 January 2013](#). The Subordinate Legislation Committee considered the delegated power provisions of the Bill at Stage 2 during its meeting of 19 February 2013 and published its [Stage 2 Report](#) on the same day.

The [Stage 3 debate](#) took place on 27 February 2013, where the Bill was passed unanimously. The Bill received Royal Assent on 9 April 2013.

Purpose and objectives of the Bill

The Bill provides a legislative basis for the Scottish Government’s ambitions to turn Scotland into a [Hydro Nation](#), which it defines in the Policy Memorandum that accompanied the Bill as “a nation that manages its water environment to

the best advantage, employing its knowledge and expertise effectively at home and internationally”.

Provisions of the Bill

Development of Water Resources: The Bill allows Scottish Ministers to “take such reasonable steps as they consider appropriate for the purpose of ensuring the development of the value of Scotland’s water resources”. The Bill would also give Scottish Ministers the power to direct a “designated body” to participate in any water resources related development.

Control of Water Abstraction: The Bill requires anyone (subject to some exemptions) wishing to abstract large amounts of water from bodies of surface water or groundwater to obtain approval from Scottish Ministers.

Scottish Water’s Functions: The Bill allows Scottish Water to do anything which it considers will assist in the development of the value of Scotland’s water resources. It allows Scottish Water take reasonable steps to develop its property, rights, other assets and expertise and promote the use of its assets for the generation of renewable energy.

The Bill allows Scottish Ministers to lend money directly to subsidiaries of Scottish Water and for these subsidiaries to borrow from other sources. The total amount that can be borrowed by Scottish Water and its subsidiaries cannot exceed the amount set out in the annual Budget (Scotland) Act.

Raw Water Quality: Scottish Water would be given the power to enter premises for the purposes of assessing or monitoring the quality of raw water. The Bill would also allow Scottish Water to enter into agreements with the owners or occupiers of land to prevent the deterioration of raw water quality or remove/reduce the need to treat that water.

Non-domestic services: The Bill would establish that “deemed contracts” exist between water and sewerage services providers and the occupier of premises where no written contract currently exists. The Bill also places a duty on the owners of commercial property to inform the water and sewerage provider when there is a change in tenant or when the property falls vacant.

Sewerage Network: The Bill allows Scottish Water to impose a condition on any consent for a trade effluent notice with the aim of preventing or reducing the release of pollutant into the sewer system.

The Bill introduces a new offence of passing fat, oil or grease into the public sewer system and would allow Scottish Water to recover costs in dealing with such blockages from the owners of commercial premises that allow these to be poured into the sewer. Scottish Water’s power of entry would be amended to allow for the installation of sampling and testing equipment.

This Bill would introduce a new system for the maintenance of private sewage treatment works, including most septic tanks that are owned by two or more people.

Water Shortage Orders: Scottish Water may request that Scottish Ministers make a water shortage order if it believes that there is a serious deficiency of water supplies in an area or there is a threat of a serious deficiency. It would be an offence for a person, without reasonable excuse, to fail to comply with the terms of a water shortage order.

Parliamentary consideration

Key issues of concern raised during the stage one consideration of the Bill, included widening the definition of the “value” of water resources to include social and environmental factors, as well as the financial value. Which bodies should be included in the list of designated bodies and how Ministerial directions to such bodies should be consulted upon, co-ordination of ministerial reports on the development of the value of Scotland’s water resources with other water related reporting requirements. The Committee also required the Scottish Government to undertake a short consultation with key stakeholders on the water abstraction proposals in the Bill.

Amendments at stage 2 dealt with some of the key issues raised during stage 1, extending the definition of the value of water to include social, environmental and other matters, requiring Ministers to report on the designation of public bodies for the purposes of the Bill and establishing additional consultation procedures on the control of water abstraction provisions. There were also a number of technical amendments, particularly around offences committed by corporate bodies.

Amendments at stage 3 only dealt with technical matters.