

# Water Resources (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 52  
Long Title

Schedules 1 to 3

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

#### Jim Eadie

- 25 In section 1, page 1, line 14, leave out <contribute to> and insert <promote>

#### Nicola Sturgeon

- 6 In section 1, page 1, line 20, leave out <includes> and insert—  
<( ) means the value of the resources on any basis (including their monetary or non-monetary worth),  
( ) extends to>

#### Nicola Sturgeon

- 7 In section 1, page 1, line 21, leave out <(or any activities in relation to) the resources> and insert <the resources (or any activities in relation to them)>

#### Elaine Murray

- 1 In section 1, page 1, line 25, after <means> insert <—  
( ) all peatlands, and  
( )>

### Section 3

#### Elaine Murray

- 2 In section 3, page 2, line 16, at end insert—  
<( ) a subsidiary of Scottish Water,>

#### Elaine Murray

- 3 In section 3, page 2, line 26, at end insert—  
<( ) In this section, “subsidiary” is as defined in section 1159 of the Companies Act 2006.>

## Section 4A

**Jim Eadie**

- 26 In section 4A, page 2, leave out lines 29 to 31 and insert—
- <( ) for each successive period of 12 months within the 3 years beginning with the date on which section 1(1) comes into force, must prepare an annual report on how (and the extent to which) they have fulfilled the duty under that section during the relevant period,>

## Section 10

**Nicola Sturgeon**

- 8 In section 10, page 5, line 7, leave out <social, economic> and insert <economic, social>

**Nicola Sturgeon**

- 9 In section 10, page 5, line 10, at end insert—
- <( ) any relevant advice given under section 13(3) or (4),>

## Section 16

**Nicola Sturgeon**

- 10 In section 16, page 7, line 33, at end insert—
- <( ) Regulations under subsection (1) or (2) may include provision—
- (a) allowing entry onto premises under a warrant or otherwise,
  - (b) about the steps that may be taken at premises so entered,
  - (c) for summary offences and penalties as respects—
    - (i) failure to comply with requirements imposed by the regulations, or
    - (ii) obstruction of persons exercising functions conferred by the regulations.>

## Section 18

**Nicola Sturgeon**

- 11 In section 18, page 8, line 26, leave out <or 14(1)(c)> and insert <, 14(1)(c) or 16(1) or (2)>

## Section 21

**Nicola Sturgeon**

- 12 In section 21, page 9, line 25, leave out from <The> to <Water> in line 26 and insert <Subsection (1) extends to allowing Scottish Water to engage in any activity that it>

## Section 22

**Nicola Sturgeon**

- 13 In section 22, page 9, line 33, leave out <core>

**Nicola Sturgeon**

- 14 In section 22, page 9, line 34, after <the> insert <commercial>

**Nicola Sturgeon**

- 15 In section 22, page 9, line 34, at end insert—

<( ) In complying with subsection (1), Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers.>

**Nicola Sturgeon**

- 16 In section 22, page 9, leave out lines 35 to 37

## Section 23

**Nicola Sturgeon**

- 17 In section 23, page 10, line 7, leave out <core>

**Nicola Sturgeon**

- 18 In section 23, page 10, line 8, at end insert—

<( ) In complying with subsection (1), Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers.>

## Section 28

**Elaine Murray**

- 4 In section 28, page 15, line 32, at end insert—

<( ) In entering into agreements under this section, Scottish Water must have particular regard to how such agreements will contribute to compliance with its duties under—

- (a) the Water Environment and Water Services (Scotland) Act 2003,
- (b) the Nature Conservation (Scotland) Act 2004,
- (c) the Flood Risk Management (Scotland) Act 2009,
- (d) the Climate Change (Scotland) Act 2009,
- (e) the Water Resources (Scotland) Act 2013.>

### After section 33

**Elaine Murray**

5 After section 33, insert—

**<Definition of “trade premises”**

In section 59(1) (interpretation) of the 1968 Act, in the entry for “trade or industry”, after the word “include” where it second appears there is inserted “premises used or managed by a public body or office holder (within the meaning of section 58 of the Nature Conservation (Scotland) Act 2004) and”.>

### Section 37

**Nicola Sturgeon**

19 In section 37, page 26, line 10, leave out from <such> to end of line 14 and insert <one or more water saving measures in relation to—

- ( ) persons of such descriptions as are specified in the order,
- ( ) premises of such categories as are so specified,
- ( ) other property of such types as are so specified,
- ( ) such purposes or circumstances as are so specified.>

**Nicola Sturgeon**

20 In section 37, page 26, line 14, at end insert—

<( ) A water shortage order may include—

- (a) provision by way of exceptions or exemptions,
- (b) different provision for different purposes in any respects.>

### Before section 48

**Nicola Sturgeon**

21 Before section 48, insert—

**<Crown application**

- (1) No contravention by the Crown of any provision made by or under Part 2 or 7 makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Scottish Ministers or any public body or office-holder having responsibility for enforcing such a provision, declare unlawful any act or omission of the Crown which constitutes a contravention by the Crown of such a provision.
- (3) Despite subsection (1), any such provision applies to persons in the public service of the Crown as it applies to other persons.
- (4) Schedule (*Crown land*) makes further provision about the application to the Crown of Parts 2 and 7.>

## Schedule 1

### Nicola Sturgeon

- 22 In schedule 1, page 33, line 33, leave out <it> and insert <the order>

### Nicola Sturgeon

- 23 In schedule 1, page 34, line 3, leave out <it> and insert <the order>

## After schedule 2

### Nicola Sturgeon

- 24 After schedule 2, insert—

<SCHEDULE  
(introduced by section (Crown application))

### CROWN LAND

- 1 A power of entry conferred by or under Part 2 or 7 is exercisable in relation to Crown land only with the consent of the appropriate authority.
- 2 (1) In paragraph 1, “Crown land” means land an interest in which—
- (a) belongs to Her Majesty—
    - (i) in right of the Crown, or
    - (ii) in right of Her private estates,
  - (b) belongs to—
    - (i) an office-holder in the Scottish Administration, or
    - (ii) a Government Department, or
  - (c) is held in trust for Her Majesty for the purposes of the Scottish Administration or a Government Department.
- (2) In paragraph 1, “appropriate authority” in relation to land—
- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,
  - (b) in the case of other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or (as the case may be) Government Department having the management of the land,
  - (c) in the case of land belonging to Her Majesty in right of Her private estates, means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers,
  - (d) in the case of land—
    - (i) belonging to an office-holder in the Scottish Administration or to a Government Department, or
    - (ii) held in trust for Her Majesty for the purposes of the Scottish Administration or a Government Department,

means the relevant office-holder or (as the case may be) Government Department.

- 3 (1) In paragraph 2—
  - (a) “Government Department” means department of the Government of the United Kingdom,
  - (b) the references to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (2) It is for the Scottish Ministers to determine any question that arises as to who in accordance with paragraph 2 is the appropriate authority in relation to any land (and their decision is final).>

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