SCOTTISH STATUTORY INSTRUMENTS

2016 No. 406

ENVIRONMENTAL PROTECTION

The Financial Assistance for Environmental Purposes (Scotland) Order 2016

Made - - - -	*1st December 2016*
Laid before the Scottish Parliament	*6th December 2016*
Coming into force - -	*1st February 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 153(4) of the Environmental Protection Act 1990(**a**) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Financial Assistance for Environmental Purposes (Scotland) Order 2016 and comes into force on 1st February 2017.

(2) This Order extends to Scotland only.

Variation of section 153(1) of the Environmental Protection Act 1990

2. In section 153(1) of the Environmental Protection Act 1990(**b**) (financial assistance for environmental purposes), after paragraph (z1)(**c**) add—

"(z2) any programme of measures to achieve, in relation to a body of water, environmental objectives of the kind that may be set in relation to that body of water under Part 1 of the Water Environment and Water Services (Scotland) Act 2003(**d**) or (as the case may be) schedule 1 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004(**e**).".

R CUNNINGHAM
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st December 2016

(**a**) 1990 c.43. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) Section 153(1), in so far as it extends to Scotland, was relevantly varied by S.I. 1991/146; S.I. 1991/682; S.I. 1991/1179; S.I. 1992/654; S.I. 1993/1062; S.I. 1993/1518; S.I. 1995/150; S.I. 1995/554; S.I. 1995/1085; S.I. 1995/3099; S.I. 1996/505; S.I. 1996/1431; S.I. 1997/651; S.I. 1998/538; S.I. 1998/1001; S.I. 1998/3234; S.S.I. 2000/430; S.S.I. 2002/83; S.S.I. 2003/173; S.S.I. 2005/324; S.S.I. 2009/75; S.S.I. 2013/74 and S.S.I. 2015/210. There are other variations not relevant to this Order. The requirement to obtain Treasury consent for the giving of financial assistance under section 153(1) was removed by section 55 of the Scotland Act 1998.

(**c**) Paragraph (z1) was added by S.S.I. 2015/210.

(**d**) 2003 asp 3. Section 9, which requires environmental objectives to be set, was amended by the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7), section 54(4).

(**e**) S.I. 2004/99, as relevantly amended by S.I. 2016/139. There are other amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies section 153(1) of the Environmental Protection Act 1990 to add any programme of measures to achieve, in relation to a body of water, environmental objectives of the kind that may be set under Part 1 of the Water Environment and Water Services (Scotland) Act 2003 or schedule 1 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004. This will enable the Scottish Ministers to give financial assistance for the purposes of any such programme of measures.

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