
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 397

**Surface Waters (Dangerous Substances)
(Classification) Regulations (Northern Ireland) 1998**

Citation and commencement

1. These Regulations may be cited as the Surface Waters (Dangerous Substances) (Classification) Regulations (Northern Ireland) 1998 and shall come into operation on 1st February 1999.

Interpretation

2.—(1) In these Regulations—

“coastal waters” means any tidal waters which are within the area which extends landward from the baselines from which the breadth of the territorial sea adjacent to Northern Ireland is measured as far as the fresh-water limit of any waterway;

“inland freshwaters” means that part of any waterway above the freshwater limit; and

“relevant territorial waters” means the waters which extend seaward for 3 miles from the baselines from which the breadth of the territorial sea adjacent to Northern Ireland is measured.

Classification of waters

3.—(1) The classification DS1 and the criteria for that classification set out in Schedule 1 shall apply for classifying inland freshwaters.

(2) The classification DS2 and the criteria for that classification set out in Schedule 2 shall apply for classifying coastal waters and relevant territorial waters.

(3) The classification DS3 and the criteria for that classification set out in Schedule 3 shall apply for classifying relevant territorial waters, coastal waters and inland freshwaters.

(4) The classification DS4 and the criteria for that classification set out in Schedule 4 shall apply for classifying inland freshwaters with a view to reducing the pollution of those waters by the substances listed in that Schedule.

(5) The classification DS5 and the criteria for that classification set out in Schedule 5 shall apply for classifying coastal waters and relevant territorial waters with a view to reducing the pollution of those waters by the substances listed in that Schedule.

(6) The classification DS6 and the criteria for that classification set out in Schedule 6 shall apply for classifying inland freshwaters with a view to reducing the pollution of those waters by the substances listed in that Schedule.

(7) The classification DS7 and the criteria for that classification set out in Schedule 7 shall apply for classifying coastal waters and relevant territorial waters with a view to reducing the pollution of those waters by the substances listed in that Schedule.

Sampling and analysis

4.—(1) The provisions of this regulation apply as respects the taking of samples of inland freshwaters, coastal waters and relevant territorial waters in relation to their classification in accordance with regulation 3.

(2) Samples shall be taken under this regulation at a frequency sufficient to show any changes in the aquatic environment, having regard in particular to natural variations in hydrological conditions.

(3) Where a discharge containing any substance listed in column (1) of any of the Schedules is made to waters mentioned in paragraph (1), samples shall be taken at a point sufficiently close to the discharge point to be representative of the quality of the aquatic environment in the area affected by the discharge,

(4) Samples taken under this regulation in relation to relevant territorial waters, coastal waters or inland freshwaters to which the classification DS1, DS2 or DS3 is for the time being applied shall be analysed using the relevant reference method of measurement respectively specified in column (3) of Schedule 1, 2 or 3 or other methods which have limits of detection, precision and accuracy at least as good.

Modification of Section 4C of the Water Act (Northern Ireland) 1972

5. Section 4C of the Water Act (Northern Ireland) 1972(1) shall have effect as if—

- (a) it imposed a duty on the Department to exercise the powers conferred on it by that section to apply the classification—
 - (i) DS1 to all inland freshwaters;
 - (ii) DS2 to all coastal waters and relevant territorial waters;
 - (iii) DS3 to all relevant territorial waters, coastal waters and inland freshwaters;
 - (iv) DS4 to all inland freshwaters;
 - (v) DS5 to all coastal waters and relevant territorial waters;
 - (vi) DS6 to all inland freshwaters;
 - (vii) DS7 to all coastal waters and relevant territorial waters; and
- (b) in relation to the establishment of water quality objectives in pursuance of that duty, subsections (3) to (7) of that section were omitted.

Revocations

6. The Pollution of Waters by Dangerous Substances Regulations (Northern Ireland) 1990(2) and the Pollution of Waters by Dangerous Substances (Amendment) Regulations (Northern Ireland) 1992(3) are hereby revoked.

(1) As inserted by S.I. 1993/3165 (N.I. 16) Art. 16
(2) S.R. 1990 No. 38
(3) S.R. 1992 No. 401

Sealed with the Official Seal of the Department of the Environment on

L.S.

16th November 1998.

R. W. Rogers
Assistant Secretary