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## STATUTORY INSTRUMENTS

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# 2013 No. 1675

## The Bathing Water Regulations 2013

### PART 1

#### GENERAL PROVISIONS

##### Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Bathing Water Regulations 2013.
- (2) The following provisions come into force on 31st July 2013—
- (a) this regulation and regulations 2 to 9;
  - (b) in regulation 14—
    - (i) paragraph (1) in so far as it relates to paragraphs (2) to (5);
    - (ii) paragraphs (2) to (5);
  - (c) regulations 15 to 18;
  - (d) in regulation 19—
    - (i) paragraph (1);
    - (ii) paragraph 3(b) and (c);
    - (iii) paragraph (4)(b);
  - (e) regulation 20.
- (3) All remaining provisions come into force on 24th March 2015.
- (4) Subject to paragraph (5), these Regulations extend to England and Wales only.
- (5) Any amendment or revocation made by these Regulations has the same extent as the enactment being amended or revoked.

##### Interpretation

- 2.—(1) In these Regulations—
- “abnormal situation” means an event or combination of events impacting on bathing water quality which the appropriate agency would not expect to occur, on average, more than once every four years;
- “the appropriate agency” means—
- (a) in relation to surface waters in England, the Environment Agency;
  - (b) in relation to surface waters in Wales, the Natural Resources Body for Wales;
- “appropriate agency management measures” means any measures taken by the appropriate agency in relation to a bathing water—
- (a) to identify and assess the causes of pollution that might, in the particular circumstances of each case, affect bathing waters and impair bathers' health;

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(b) to reduce the risk of pollution (being measures within the appropriate agency's relevant functions referred to in regulation 5);

(c) to issue advice against bathing; or

(d) under regulations 7 to 11;

“the appropriate Minister” means—

(a) in relation to surface waters in England, the Secretary of State;

(b) in relation to surface waters in Wales, the Welsh Ministers;

“bathing season” means the period specified in regulation 4;

“a bathing water” means an area of surface water identified under regulation 3 and listed at Schedule 2, at which permanent advice against bathing is not currently in place under regulation 13;

“the Bathing Water Directive” means Directive [2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive [76/160/EEC](#)<sup>M1</sup>;

“bathing water profile” means a profile established under regulation 7;

“cyanobacterial proliferation” means an accumulation of cyanobacteria including in the form of a bloom, mat or scum;

“the Decision” means the Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive [2006/7/EC](#) of the European Parliament and of the Council, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing<sup>M2</sup>;

“England” includes the territorial sea adjacent to England and not forming any part of Wales;

“local authority” means—

(a) in England, the council of any district, parish or town, the unitary authority of a place in which there are no districts, the council of a London borough, the Common Council of the City of London or the Council of the Isles of Scilly; or

(b) in Wales, the council of a county or county borough;

“local authority management measures” means measures taken by a local authority in relation to a bathing water which it controls—

(a) to give information to the public; or

(b) to prevent, by means of public information (including issuing an advice against bathing), bathers' exposure to pollution;

“management measures” means appropriate agency management measures or local authority management measures;

“permanent advice against bathing” means advice issued, in relation to at least one whole bathing season, under regulation 13;

“pollution” means contamination which affects bathing water quality and presents a risk to bathers' health from any of the following—

(a) intestinal enterococci or *Escherichia coli*;

(b) cyanobacterial proliferation;

(c) a proliferation of macro-algae or marine phytoplankton;

(d) waste, including tarry residues, glass, plastic or rubber;

“relevant land” is land which is—

- (a) normally used to access a bathing water from the landward side, and
- (b) immediately adjacent to that bathing water or, where the bathing water is tidal, immediately above the high water mark;

“relevant procedures for short-term pollution” means—

- (a) in relation to the appropriate agency, any measures, including appropriate agency management measures, to prevent reduce or eliminate the causes of pollution and may include surveillance, early warning systems or monitoring with a view to preventing bathers' exposure to pollution by means of a warning, or, where necessary, an advice against bathing; and
- (b) in relation to a local authority, any measures, including local authority management measures, to notify the public that the bathing water is affected by short-term pollution;

“set of bathing water quality data” means data obtained from results of samples taken under Part 1 of Schedule 4;

“short-term pollution” means contamination by intestinal enterococci or *Escherichia coli* where the appropriate agency—

- (a) has identified the causes, and
- (b) does not normally expect the contamination to affect bathing water quality for more than approximately 72 hours after the bathing water is first affected;

“Wales” has the meaning given by section 158 of the Government of Wales Act 2006 <sup>M3</sup>;

(2) In these Regulations, “coastal water”, “groundwater”, “inland water”, “lake”, “river”, “surface water” and “transitional waters” have the same meaning as in Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, and are listed in Schedule 1 to these Regulations.

(3) For the purposes of these Regulations, a local authority controls a bathing water if the relevant land relating to that bathing water is located within its area.

#### Marginal Citations

- M1 OJ No L 64, 4.3.2006, p.37, as amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p.14).
- M2 OJ No L 143, 31.5.2011, p.38.
- M3 2006 c.32.

#### Identification of bathing waters

3.—(1) Part 1 of Schedule 2 lists the surface waters that have been identified in England, other than excluded pools and waters, at which the Secretary of State expects a large number of people to bathe, having regard in particular to past trends and any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters.

(2) Part 2 of Schedule 2 lists the surface waters that have been identified in Wales, other than excluded pools and waters, at which the Welsh Ministers expect a large number of people to bathe, having regard in particular to past trends and any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters.

(3) For the purposes of paragraphs (1) and (2), excluded pools and waters are—

- (a) swimming pools and spa pools;
- (b) confined waters subject to treatment or used for therapeutic purposes;

*Status: Point in time view as at 10/04/2017.*

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- (c) artificially created confined waters separated from surface water and groundwater.
- (4) The Secretary of State must publish the following information annually, and in accordance with paragraph (6)—
- (a) a complete list of all bathing waters in England stating their classifications;
  - (b) details of all surface waters in England at which permanent advice against bathing is currently in place under regulation 13, including, in relation to each such surface water, the reasons for that advice.
- (5) The Welsh Ministers must publish the following information annually, and in accordance with paragraph (6)—
- (a) a complete list of all bathing waters in Wales stating their classifications;
  - (b) details of all surface waters in Wales at which permanent advice against bathing is currently in place under regulation 13, including, in relation to each such surface water, the reasons for that advice.
- (6) The information to be published under paragraphs (4) and (5) must be actively disseminated before the start of the bathing season using appropriate media and technologies including the internet, and in such languages as the appropriate Minister considers appropriate.
- (7) For the purposes of giving effect to the Bathing Water Directive, section 104(1) of the Water Resources Act 1991 <sup>M4</sup> (meaning of “controlled waters”) has effect as if “inland freshwaters” included any lake or pond (other than a relevant lake or pond within the meaning of that section) identified under this regulation.

#### Marginal Citations

M4 1991 c. 57.

#### Length of the bathing season

4. For the purposes of these Regulations, the bathing season in England and Wales begins on 15th May and ends at the end of the day on 30th September in each year.

#### General duties

5.—(1) The Secretary of State, the Welsh Ministers, the Environment Agency and the Natural Resources Body for Wales must exercise their relevant functions in England and Wales—

- (a) so as to ensure that, by the end of the bathing season in 2015, all bathing waters are classified under regulation 11 at least as “sufficient”;
- (b) so as to take such realistic and proportionate measures as they each consider appropriate with a view to increasing the number of bathing waters classified under regulation 11 as “good” or “excellent”; and
- (c) in all other respects, so as to ensure compliance with the requirements of the Bathing Water Directive.

(2) In this regulation, “relevant functions” means functions, so far as relevant, under the enactments listed in Schedule 2 (enactments) to [F1the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017].

(3) The appropriate agency must promptly provide—

- (a) to the appropriate Minister such information about the quality of bathing waters as the appropriate Minister may by notice reasonably require; and

- (b) to a local authority such information about the quality of the bathing waters that it controls as that local authority may by notice reasonably require.

#### **Textual Amendments**

- F1** Words in reg. 5(2) substituted (10.4.2017) by [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017 \(S.I. 2017/407\)](#), reg. 1(a), **Sch. 4 para. 4(2)** (with reg. 1(c))

#### **Public participation**

- 6.—(1) The Secretary of State, the Welsh Ministers and the appropriate agency must—
- (a) encourage public participation in the exercise of their respective functions under these Regulations; and
  - (b) ensure that the public has an opportunity—
    - (i) to find out how to participate, and
    - (ii) to submit suggestions, comments or complaints.
- (2) The Secretary of State, the Welsh Ministers and the appropriate agency must take due account of any suggestions, comments or complaints they have obtained from the public when exercising their respective functions under these Regulations.

**Status:**

Point in time view as at 10/04/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Bathing Water Regulations 2013, PART 1.