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STATUTORY INSTRUMENTS

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**2013 No. 1675**

**The Bathing Water Regulations 2013**

**PART 5**

**MANAGEMENT OF BATHING WATERS**

**Management measures at bathing waters subject to pollution incidents**

- 12.**—(1) This regulation applies where a body mentioned in paragraph (2) is aware of—
- (a) an incident of contamination by intestinal enterococci or *Escherichia coli*, other than an incident of short-term pollution to which regulation 15 applies, that the body considers may pose a risk to bathing water quality and bathers' health;
  - (b) a cyanobacterial proliferation which the body considers may pose a risk to bathers' health;
  - (c) a proliferation of macro-algae or marine phytoplankton which the body considers is unacceptable or may pose a risk to bathers' health;
  - (d) the presence of waste, including tarry residues, glass, plastic or rubber; or
  - (e) any other incident, other than an incident of short-term pollution to which regulation 15 applies, that the body considers may pose a risk to bathing water quality and bathers' health.
- (2) The bodies are:
- (a) the appropriate agency;
  - (b) a sewerage undertaker;
  - (c) a local authority.
- (3) The appropriate agency must promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(b), immediately—
- (a) consult—
    - (i) the local authority that controls the bathing water, and
    - (ii) if necessary, the local sewerage undertaker;
  - (b) use appropriate media and technologies to actively and promptly disseminate information to the public, in such languages as are appropriate, and take such other appropriate agency management measures as it considers appropriate, to prevent exposing bathers to identified or presumed health risks.
- (4) The sewerage undertaker must, if necessary, promptly consult—
- (a) the appropriate agency, and
  - (b) the local authority that controls the bathing water.
- (5) The local authority must promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(b), immediately—
- (a) consult the appropriate agency so far as necessary;

- (b) notify the local sewerage undertaker, if necessary;
- (c) ensure that appropriate information is actively disseminated and promptly made available to the public during the bathing season in an easily accessible place in the near vicinity of the bathing water, and take such other local authority management measures as it considers appropriate, to prevent exposing bathers to identified or presumed health risks; and
- (d) in the case of pollution by waste, remove the waste.

### **Additional management measures at “poor” bathing waters**

- 13.—(1) Where the appropriate agency classifies a bathing water as “poor” under regulation 11—
- (a) the appropriate agency must, during the bathing season following this classification—
    - (i) take or cause to be taken appropriate agency management measures at the bathing water to prevent, reduce or eliminate (as appropriate) the causes of pollution;
    - (ii) take, or cause to be taken appropriate agency management measures at the bathing water as it considers adequate with a view to preventing bathers’ exposure to pollution;
    - (iii) notify the local authority that controls the bathing water; and
    - (iv) identify the reasons why the bathing water failed to achieve a classification of “sufficient”;
  - (b) the local authority that controls the bathing water must issue an advice against bathing at that bathing waters, and must take such local authority management measures as it considers adequate, with a view to preventing bathers’ exposure to pollution.
- (2) The appropriate agency must issue permanent advice against bathing in respect of a bathing water if—
- (a) the appropriate agency has classified the bathing water as “poor” under regulation 11 for five consecutive years; or
  - (b) having consulted the local authority that controls the bathing water, the appropriate agency advises the appropriate Minister that it considers that it would be infeasible or disproportionately expensive for the bathing water to achieve a classification of “sufficient” and the appropriate Minister accepts that advice.
- (3) Where permanent advice against bathing has been issued under paragraph (2) in relation to a bathing water, the appropriate agency must—
- (a) notify the local authority that controlled the former bathing water—
    - (i) that permanent advice against bathing has been issued there, giving reasons; and
    - (ii) that it is no longer a bathing water; and
  - (b) use appropriate media and technologies including the internet to actively and promptly disseminate all the following information to the public, in such languages as the appropriate agency considers appropriate, in relation to the former bathing water—
    - (i) that permanent advice against bathing has been issued there;
    - (ii) the fact that it is no longer a bathing water;
    - (iii) the reasons for its declassification.
- (4) When a local authority has received notification under paragraph (3)(a), it must ensure that the following information in relation to the former bathing water is actively disseminated and promptly made available to the public in an easily accessible place in the near vicinity of that former bathing water during the bathing season—

- (a) that permanent advice against bathing has been issued there, represented by a symbol in accordance with Part 1 of the Annex to the Decision;
- (b) the fact that it is no longer a bathing water;
- (c) the reasons for the declassification.

### **Public information and general provisions about short-term pollution**

14.—(1) This regulation applies where, having consulted the local authority that controls a bathing water, the appropriate agency has established relevant procedures for short-term pollution at the bathing water.

- (2) The appropriate agency must—
  - (a) ensure that the bathing water profile established under regulation 7 contains—
    - (i) information as to the anticipated nature, frequency and duration of expected short-term pollution;
    - (ii) details of any remaining causes of short-term pollution;
    - (iii) details of the appropriate agency management measures taken and the time schedule for the elimination of the causes of the short-term pollution; and
    - (iv) information on relevant procedures for short-term pollution taken during a short-term pollution incident and the identity and contact details of any person responsible for taking such action;
  - (b) notify the local authority that controls the bathing water when short-term pollution is predicted there; and
  - (c) publish on its website the following information—
    - (i) the conditions likely to lead to short-term pollution at the bathing water;
    - (ii) the likelihood of short-term pollution there and its likely duration;
    - (iii) the causes of short-term pollution there;
    - (iv) the relevant procedures for short-term pollution in place there; and
    - (v) the information referred to in paragraph (3).

(3) The local authority must ensure that the following information is actively disseminated and promptly made available to the public during the bathing season in an easily accessible place in the near vicinity of the bathing water—

- (a) an indication of the number of days for which advice against bathing was issued there during the immediately preceding bathing season because of short-term pollution; and
- (b) a warning whenever short-term pollution is predicted or present there.

(4) In the event of short-term pollution, the appropriate agency must take one additional sample, as soon as possible after the pollution incident is presumed to have ended, to verify that it has in fact ended.

(5) The appropriate agency may disregard samples taken during short-term pollution from the set of bathing water quality data for the bathing water if—

- (a) as soon as possible after the end of a short-term pollution incident, the appropriate agency has taken the additional sample required by paragraph (4) in order to verify that the incident has ended;
- (b) the appropriate agency has not included that sample in the set of bathing water quality data for the bathing water; and

- (c) seven days after the end of a short-term pollution incident, the appropriate agency has, if necessary, taken an additional sample to ensure that it has the minimum number required for the bathing water for the bathing season.
- (6) The appropriate agency must not classify the bathing water under regulation 11 as “sufficient”, “good” or “excellent” unless the number of samples disregarded under paragraph (5) represents no more than the greater of—
  - (a) 15% of the total number of samples provided for in the monitoring calendars established under paragraph 2 of Schedule 4 for the same period; and
  - (b) one sample per bathing season.

**Relevant procedures for short-term pollution**

- 15.** Where there is short-term pollution at a bathing water to which regulation 14 applies—
- (a) the appropriate agency must—
    - (i) notify the local authority that controls the bathing water, and
    - (ii) operate, or cause to be operated, any relevant procedures for short-term pollution which are not in operation and for which it is responsible;
  - (b) the local authority must—
    - (i) take the local authority management measures which form part of the relevant procedures for short-term pollution there; and
    - (ii) ensure that notification that the bathing water is affected by short-term pollution is actively disseminated and promptly made available to the public during the bathing season in an easily accessible place in the near vicinity of the bathing water.