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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations prescribe a system for classifying the quality of coastal and brackish waters which need protection or improvement in order to support shellfish life and growth.

The classification SFW prescribed by regulation 3 reflects the mandatory values assigned by Directive 79/923/EEC (“the Directive”) (on the quality required of shellfish waters) to the parameters listed in Schedule 1. Regulation 4 sets out the circumstances in which classified waters shall be treated as complying with requirements specified in Schedule 1.

Regulation 5 requires the Department, in discharging its pollution control functions, to endeavour to observe the values and comments set out in Schedule 2 while preventing any increase in pollution. Regulation 6 sets out the circumstances in which classified waters shall be treated as complying with any standard adopted by the Department under regulation 5.

Regulation 7 makes provision with respect to the reference methods of measurement, and the minimum frequency required for sampling and analysis, laid down in the Directive for those parameters.

Regulation 8 allows the Department to derogate from the requirements of the Regulations in the event of exceptional weather or geographic conditions.

Regulation 9 modifies the Water Act (Northern Ireland) 1972 so as to require the Department to classify appropriate waters in accordance with the Directive and to remove rights of appeal against such classifications.

Regulation 10 provides for pollution reduction programmes and regulation 11 provides for consultation with the Republic of Ireland if the Department considers classifying waters in the vicinity of the frontier.

These Regulations transpose in part the requirements of Directive 79/923/EEC. Copies of the Directive may be obtained from The Stationery Office Ltd, 16 Arthur Street, Belfast BT1 4GD.