
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

**The Quality of Bathing Water
Regulations (Northern Ireland) 2008**

PART 1

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Quality of Bathing Water Regulations (Northern Ireland) 2008 and come into operation in accordance with paragraphs (2) to (6).

(2) Regulations 1- 6, regulation 19, paragraph 2 (1) (a) of Schedule 3 and regulation 8 insofar as it relates to that paragraph, come into operation on 30th June 2008.

(3) Regulation 7 comes into operation on 24th March 2011.

(4) Subject to paragraph (6), regulations 8 to 10, 11(1) (a) and (5), 13, 15 to 18 and 20 come into operation on 24th March 2012.

(5) The remainder of regulation 11 and regulations 12 and 14 come into operation on 24th March 2015.

(6) Sub-paragraph (a) of paragraph (1) of regulation 9, regulation 10 insofar as it relates to that sub-paragraph and regulation 21 come into operation on 30th September 2015.

Commencement Information

II [Reg. 1](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (1) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“abnormal situation” means an event or combination of events impacting on bathing water quality which the Department would not expect to occur, on average, more than once every four years;

“bathing season” means the period determined by the Department under regulation 4;

[^{F1}“bathing water” means the surface waters identified under regulation 3(1), other than excluded pools and waters, at which the Department 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;]

[^{F2}“Bathing Water Directive” means [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality as last amended by Council [Directive 2013/64/EU](#);]

“bathing water operator” means any person who controls the land immediately adjacent to a bathing water which is normally used to access the bathing water from the landward side and where the bathing water is tidal, the person who controls such land above the high water mark;

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

“bathing water quality assessment” means the assessment carried out by the Department under regulation 11;

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

[^{F3}“the Decision” means the Commission Implementing Decision 2011/321/EU of 27 May 2011 establishing, pursuant to the Bathing Water Directive, a symbol for information to the public on bathing water classification and any bathing water prohibition or advice against bathing(2);]

“Department” means the Department of the Environment;

[^{F4}“Departmental management measures” mean measures in relation to a bathing water taken by the Department—

- (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;
- (b) under regulation 5 to reduce the risk of pollution; or
- (c) under regulations 7 to 12;
- (d) “excluded pools and waters” means—
 - (a) swimming pools and spa pools;
 - (b) confined waters subject to treatment or used for therapeutic purposes; and
 - (c) artificially created confined waters separated from surface water and groundwater;]

“management measures” means Departmental management measures or operator management measures;

“operator management measures” means measures taken by a bathing water operator—

- (a) to give information to the public under regulation 9; or
- (b) to prevent bathers’ exposure to pollution by means of public information under regulation 9;

“permanent advice against bathing” means advice issued, in relation to at least one whole bathing season, under regulation [^{F5}14(2)] ;

“relevant procedures for short-term pollution” means the following procedures for identifying the causes of, predicting and dealing with short-term pollution—

- (a) management measures;
- (b) surveillance and early warning systems with a view to preventing bathers’ exposure to the short-term pollution by means of public information under regulations 9 and 10;

- (c) measures in relation to a bathing water taken by the Department under regulation 5 to prevent, reduce or eliminate the causes of short-term pollution;

“set of bathing water quality data” means data obtained from results of samples taken under Part 1 of Schedule 3;

“short-term pollution” means contamination by Intestinal enterococci or Escherichia coli where the Department—

- (a) has identified its 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;

“surface water”, “groundwater”, “inland water”, “coastal water” and “transitional waters” have the same meaning as in the Water Framework Regulations;

“vicinity of the bathing water” means a position near to the bathing water, at a place likely to be noticed by persons as they make use of or enter onto the bathing water and, where the bathing water is tidal, higher than the High Spring Tide mark; and

[^{F6}[^{F7}(3) In the following provisions, namely—

- (a) regulation 5(4);
(b) regulation 10(2)(b);
(c) regulation 13(1) and (2);
(d) regulation 14(1), (3) and (4);
(e) regulation 16; and
(f) paragraph 10(2) of Part 4 of Schedule 3,

references to a bathing water operator do not include the Department in its capacity as such.]

(4) Expressions used in these Regulations and not otherwise defined shall have the same meaning in these Regulations as they have in the Bathing Water Directive.]

[^{F8}(5) For the purposes of these Regulations, a reference to a Directive is to be read as if any reference in that Directive to one or more member States or a competent authority in a provision imposing an obligation or conferring a discretion on a member State, member States or competent authority were a reference to the Department.]

Textual Amendments

- F1** Words in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [4\(a\)\(i\)](#)
- F2** Words in [reg. 2\(2\)](#) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), [Sch. 2 para. 6](#)
- F3** Words in [reg. 2\(2\)](#) inserted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [4\(a\)\(ii\)](#)
- F4** Words in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [4\(a\)\(iii\)](#)
- F5** Word in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [4\(a\)\(iv\)](#)
- F6** Words in [reg. 2\(2\)](#) substituted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), reg. 1(a), [Sch. 4 para. 5](#) (with reg. 37)
- F7** [Reg. 2\(3\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [4\(b\)](#)

F8 Reg. 2(5) inserted (31.12.2020) by *The Water (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (S.I. 2019/112), regs. 1(1), **6(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I2 Reg. 2 in operation at 30.6.2008, see **reg. 1(2)**

PART 2

GENERAL

Identification of bathing waters

- [^{F9}**3.**—(1) The Department shall identify all bathing waters in Northern Ireland on an annual basis.
- (2) The Department shall list in Schedule 1 the bathing waters identified in paragraph (1).
- (3) The Department shall publish the following information on an annual basis and in accordance with paragraph (4)—
- (a) a complete list of all bathing waters identified in paragraph (1);
 - (b) details of all surface waters at which permanent advice against bathing has been issued (and not withdrawn) under regulation 14, including in relation to each surface water, the reasons for that advice.
- (4) The information to be published under paragraph (3) shall be actively disseminated before the start of the bathing season using appropriate media and technologies including the internet, and in such languages as appropriate.]

Textual Amendments

F9 Reg. 3 substituted (26.6.2013) by *The Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2013* (S.R. 2013/151), regs. 1, **5**

Commencement Information

I3 Reg. 3 in operation at 30.6.2008, see **reg. 1(2)**

Length of bathing season

- 4.** For the purposes of these Regulations, the bathing season begins on the 1st June and ends at the end of the day on 15th September in each year.

Commencement Information

I4 Reg. 4 in operation at 30.6.2008, see **reg. 1(2)**

General duties

- 5.**—(1) The Department shall in the exercise of its relevant functions—
- (a) ensure that by the end of the bathing season in 2015, all bathing waters are classified under regulation 12 as at least “sufficient”;

- (b) take such realistic and proportionate measures as it considers appropriate in order to increase the number of bathing waters classified under regulation 12 as “good” or “excellent”; and
- (c) otherwise ensure compliance with the requirements of the Bathing Water Directive.
- (2) In this regulation “relevant functions” means functions under these Regulations and so far as relevant the enactments specified in Schedule 2 to the Water Framework Regulations.
- (3) In the Water Framework Regulations, in Schedule 2 (relevant functions), in Part 2, after paragraph 26 insert—
- “27. *The Quality of Bathing Water Regulations (Northern Ireland) 2008*.”.
- (4) The Department shall promptly provide a bathing water operator with such information as the Department considers the operator requires for the purpose of the operator’s functions under these Regulations.
- [^{F10}(5) For the purposes of this regulation, the Bathing Water Directive is to be read as if—
- (a) in Article 2(13), the reference to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment were a reference to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ;
- (b) the following provisions were omitted—
- (i) Article 3(8);
- (ii) in Article 3(9), the final sentence;
- (iii) in Article 4(2), in the second subparagraph, the second and third sentences;
- (c) in Article 6(3), the reference to Directive [2000/60/EC](#) were a reference to Article 8 of that Directive;
- (d) the following provisions were omitted—
- (i) Article 13;
- (ii) Article 14;
- (iii) Article 18;
- (e) in Annex 3, in paragraph 1(a), the reference to Directive [2000/60/EC](#) were omitted.
- (6) For the purposes of paragraph (5)(c), Article 8 of Directive [2000/60/EC](#) is to be read as if—
- (a) in paragraph 1, the final indent were omitted;
- (b) in paragraph 2—
- (i) the first sentence were omitted;
- (ii) the reference in the second sentence to Annex 5 to Directive [2000/60/EC](#) were a reference to that Annex as modified by paragraph 16 of Schedule 5 to the Water Framework Regulations;
- (c) paragraph 3 were omitted.]

Textual Amendments

F10 [Reg. 5\(5\)\(6\)](#) inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I5 [Reg. 5](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Public participation

- 6.—(1) The Department shall—
- (a) encourage public participation in the exercise of its functions under these Regulations; and
 - (b) ensure that the public has an opportunity—
 - (i) to find out how to participate; and
 - (ii) to submit comments or complaints.
- (2) The Department shall take due account of any information it has obtained from the public when exercising its functions under these Regulations.

Commencement Information

I6 [Reg. 6](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Bathing water profiles

- 7.—^{F11}(1) The Department shall, in relation to every bathing water, in accordance with Schedule 2—
- (a) if it has not already done so, establish a bathing water profile before the start of the bathing season; and
 - (b) keep every bathing water profile under review.]
- (2) The Department may combine the bathing water profiles of contiguous bathing waters.
- (3) When complying with paragraph (1), the Department shall take into account the data which it has obtained or analysed under—
- (a) The Quality of Bathing Water Regulations (Northern Ireland) 1993(3); and
 - (b) The Water Framework Regulations.

Textual Amendments

F11 [Reg. 7\(1\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, 6

Commencement Information

I7 [Reg. 7](#) in operation at 24.3.2011, see [reg. 1\(3\)](#)

PART 3

MONITORING OF BATHING WATERS AND PUBLIC INFORMATION

Monitoring

- 8.—(1) The Department shall monitor and carry out investigations at bathing waters in accordance with this regulation.
- (2) Monitoring for—

- (a) Intestinal enterococci and Escherichia coli shall be in accordance with Part 1 of Schedule 3;
 - (b) cyanobacteria shall be in accordance with Part 2 of Schedule 3;
 - (c) other pollution, which takes the form of tarry residues, glass, plastic, rubber or any other waste, shall be carried out in accordance with Part 4 of Schedule 3.
- (3) Investigation of macro-algae and marine phytoplankton proliferation shall be carried out in accordance with Part 3 of Schedule 3.
- (4) The bathing water operator shall also monitor in accordance with Part 4 of Schedule 3.

Commencement Information

- I8** Reg. 8 in operation at 30.6.2008 for specified purposes, see [reg. 1\(2\)](#)
- I9** Reg. 8 in operation at 24.3.2015 in so far as not already in operation, see [reg. 1\(5\)](#)

Public information: duties of bathing water operator

9.—^{F12}(1) Every bathing water operator shall ensure that the following information about its bathing water is actively disseminated and promptly made available during the bathing season in an easily accessible place in the near vicinity of the bathing water—

- (a) the bathing water’s current classification pursuant to regulation 12, represented by a symbol in accordance with Part 2 of the Annex to the Decision;
- (b) any advice against bathing which has been introduced there, represented by a symbol in accordance with Part 1 of the Annex to the Decision, and giving reasons;
- (c) a general description of the bathing water, in non-technical language, based on its bathing water profile;
- (d) where the bathing water is subject to or likely to be subject to incidents of short-term pollution—
 - (i) a statement to that effect;
 - (ii) an indication of the number of days for which advice against bathing was introduced there during the immediately preceding bathing season because of short-term pollution; and
 - (iii) a warning whenever short term pollution is predicted or present;
- (e) information on the nature and expected duration of abnormal situations there; and
- (f) an indication of the sources of more complete information published in accordance with regulation 10.]

(2) Paragraph (3)(a) and (b) of regulation 10 shall apply to information provided under this regulation as it applies to information provided under that regulation.

Textual Amendments

- F12** Reg. 9(1) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, 7

Commencement Information

- I10** Reg. 9(1)(a) in operation at 30.9.2015, see [reg. 1\(6\)](#)
- I11** Reg. 9(1)(b)-(f) in operation at 24.3.2012, see [reg. 1\(4\)](#)
- I12** Reg. 9(2) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Public information: duties of the Department

10.—^{F13}(1) The Department shall use appropriate media and technologies including the internet to actively and promptly disseminate the information specified in regulation 9(1) together with the following additional information, in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of understanding, namely—

- (a) a list of all bathing waters;
 - (b) before the start of every bathing season, the classification in accordance with regulation 12 of every bathing water for the preceding three years;
 - (c) the bathing water profile of every bathing water;
 - (d) as soon as possible after completion of the analyses under Schedule 3, the results of the monitoring carried out in accordance with regulation 8 since the beginning of the current bathing season;
 - (e) where a bathing water is subject to or likely to be subject to incidents of short-term pollution—
 - (i) the conditions likely to lead to short-term pollution there;
 - (ii) the likelihood of the short-term pollution there and its likely duration;
 - (iii) the causes of short-term pollution; and
 - (iv) the relevant procedures for short-term pollution; and
 - (f) where a bathing water is classified as “poor” under regulation 12—
 - (i) the causes of pollution there; and
 - (ii) the management measures being taken there, under regulation 14, to prevent, reduce or eliminate the causes of pollution.]
- (2) The Department shall—
- (a) prepare a general description of every bathing water for use under regulation 9(1)(c); and
 - (b) make the information available to all bathing water operators.
- (3) Information under this regulation shall—
- (a) wherever possible, be provided using a geographic information system;
 - (b) be presented in a clear and coherent manner; and
 - (c) be in such languages, in addition to English, as are appropriate having regard to the location of the bathing water and the ease of public understanding.

Textual Amendments

F13 [Reg. 10\(1\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, [8](#)

Commencement Information

I13 [Reg. 10](#) in operation at 24.3.2012 in so far as not already in operation, see [reg. 1\(4\)](#)

I14 [Reg. 10](#) in operation at 30.9.2015 for specified purposes, see [reg. 1\(6\)](#)

PART 4

BATHING WATER ASSESSMENT AND CLASSIFICATION

Assessment

- 11.**—(1) At the end of every bathing season, for every bathing water, the Department shall—
- (a) prepare a set of bathing water quality data for that season; and
 - (b) carry out a bathing water quality assessment using the set of bathing water quality data compiled in relation to that season and the relevant assessment period.
- (2) In this regulation, the “relevant assessment period” is—
- (a) the immediately preceding three bathing seasons;
 - (b) the immediately preceding two bathing seasons, where the Department so decides in accordance with paragraph (3); or
 - (c) the number of immediately preceding bathing seasons, being less than three, that the Department so decides in accordance with paragraph (4).
- (3) The Department may make a decision under paragraph (2)(b) where—
- (a) it is at least five years since the last change in the relevant assessment period; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (4) The Department may make a decision under paragraph 2(c) where—
- (a) it considers that any factors identified in the bathing water profile as likely to affect the classification of the bathing water under regulation 12 have changed, and the set of bathing water quality data used is based only on samples taken since those factors have changed; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (5) The Department may—
- (a) subdivide existing bathing waters in the light of the bathing water quality assessments carried out under this regulation; or
 - (b) group together existing bathing waters in light of those assessments where those bathing waters—
 - (i) are contiguous;
 - (ii) have received similar assessments for the preceding four years; and
 - (iii) have bathing water profiles which identify common pollution risk factors or the absence thereof.

Commencement Information

- I15** Reg. 11(1)(a) in operation at 24.3.2015, see [reg. 1\(4\)](#)
- I16** Reg. 11(1)(b) in operation at 24.3.2015, see [reg. 1\(5\)](#)
- I17** Reg. 11(2)-(4) in operation at 24.3.2015, see [reg. 1\(5\)](#)
- I18** Reg. 11(5) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Classification

[^{F14}12. At the end of every bathing season, on the basis of the assessment made under regulation 11, the Department shall classify every bathing water as “poor”, “sufficient”, “good” or “excellent” in accordance with Schedule 4.]

Textual Amendments

F14 Reg. 12 substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, 9

Commencement Information

I19 Reg. 12 in operation at 24.3.2015, see [reg. 1\(5\)](#)

PART 5

MANAGEMENT OF BATHING WATERS

Management measures at bathing waters subject to pollution incidents

13.—(1) This regulation applies where the Department or a bathing water operator is aware of—

- (a) a cyanobacterial proliferation which it considers may pose a risk to bathers’ health;
- (b) a proliferation of macro-algae or marine phytoplankton which it considers is unacceptable or may pose a risk to bathers’ health;
- (c) the presence of waste, including tarry residues, glass, plastic, or rubber; or
- (d) any other incident, other than an incident of short-term pollution to which regulation 15 applies, that it considers may pose a risk to bathing water quality and bathers’ health.

[^{F15}(2) The Department shall promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(a), immediately—

- (a) consult the bathing water operator; and
- (b) use appropriate media and technologies to actively and promptly disseminate information to the public in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of understanding and take such other Departmental management measures as it considers appropriate to prevent exposing bathers to identified or presumed health risks.]

(3) [^{F16}The bathing water operator shall promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(a), immediately] —

- (a) consult the Department;

[^{F17}(b) 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 operator management measures there as it considers appropriate to prevent exposing bathers to identified or presumed health risks; and]

- (c) where necessary, remove the waste.

Textual Amendments

- F15** Reg. 13(2) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(a)**
- F16** Words in reg. 13(3) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(b)(i)**
- F17** Reg. 13(3)(b) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(b)(ii)**

Commencement Information

- I20** Reg. 13 in operation at 24.3.2012, see [reg. 1\(4\)](#)

Additional management measures at “poor” bathing waters

- [^{F18}14.—(1) Where the Department classifies a bathing water as “poor” under regulation 12—
- (a) the Department shall, during the bathing season following this classification—
 - (i) take, or cause to be taken, such Departmental management measures at the bathing water as it considers adequate with a view to preventing bathers’ exposure to pollution;
 - (ii) take, or cause to be taken, such Departmental management measures or other adequate measures at the bathing water so as to prevent, reduce or eliminate (as appropriate) the causes of pollution;
 - (iii) notify the bathing water operator; and
 - (iv) identify the reasons why the bathing water failed to achieve a classification of “sufficient”; and
 - (b) the bathing water operator shall—
 - (i) take such operator management measures that it considers adequate with a view to preventing bathers’ exposure to pollution; and
 - (ii) introduce advice against bathing there by means of public information under regulation 9.
- (2) The Department shall issue permanent advice against bathing where—
- (a) the Department has classified the bathing water as “poor” under regulation 12 for five consecutive years; or
 - (b) after consultation with such other persons as it thinks fit, it considers that the achievement of a “sufficient” quality classification at that bathing water would be infeasible or disproportionately expensive.
- (3) Where permanent advice against bathing has been issued in relation to a bathing water, the Department shall—
- (a) notify the bathing water operator that permanent advice against bathing has been issued in relation to a bathing water in its area, giving reasons; and
 - (b) use appropriate media and technologies including the internet to actively and promptly disseminate all the following information, in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of understanding, namely—
 - (i) that permanent advice against bathing has been introduced there;
 - (ii) the fact that the area concerned is no longer a bathing water; and

(iii) the reasons for its declassification.

(4) Where a bathing water operator has received notification that permanent advice against bathing has been issued in relation to a bathing water, that bathing water operator shall promptly and actively ensure that the following information is available in an easily accessible place in the near vicinity of the bathing water during the bathing season—

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

Textual Amendments

F18 [Reg. 14](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **11**

Commencement Information

I21 [Reg. 14](#) in operation at 24.3.2015, see [reg. 1\(5\)](#)

Additional management measures at bathing waters likely to be subject to incidents of short-term pollution

[^{F19}**15.** Where a bathing water is subject to or likely to be subject to short-term pollution—

- (a) the Department shall operate, or cause to be operated, the relevant procedures for short-term pollution for which it is responsible; and
- (b) the bathing water operator shall take the operator management measures which form part of the relevant procedures for short-term pollution there.]

Textual Amendments

F19 [Reg. 15](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **12**

Commencement Information

I22 [Reg. 15](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

PART 6

GENERAL PROVISIONS

[^{F20}**Annual reports**

15A.—(1) Subject to paragraph (2), the Department must prepare and publish, by 30th April each calendar year, a report on the bathing water season in the previous year.

(2) The first report under this regulation must be published by 30th April 2020.

(3) A report must—

- (a) be published in such manner as the Department considers appropriate;

- (b) contain the following information for a bathing water—
 - (i) the results of monitoring carried out under regulation 8;
 - (ii) the results of bathing water quality assessments carried out under regulation 11;
 - (iii) a description of any significant management measures taken.]

Textual Amendments

F20 Reg. 15A inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Notice requiring bathing water operator to comply with the Regulations

16.—(1) If the Department becomes aware that a bathing water operator has failed in its duties under these Regulations, the Department may —

- (a) by notice given to the bathing water operator specify—
 - (i) the measures which shall be taken by it to comply with these Regulations; and
 - (ii) the time within which those measures shall be taken.

(2) Before serving a notice under paragraph (1) on a bathing water operator, the Department shall reasonably endeavour to consult that operator concerning the measures which are to be specified in the notice.

(3) A notice under paragraph (1) shall not be regarded as invalid or invalidly served by reason only of a failure to comply with paragraph (2).

(4) A bathing water operator upon whom a notice under paragraph (1) is served, may, within the period of 21 days beginning with the day on which the notice is served, appeal against the notice to the Water Appeals Commission.

(5) Where—

- (a) a notice under paragraph (1) is varied or quashed on appeal; and
- (b) the bathing water operator has complied with the notice,

the Department shall pay to the bathing water operator an amount equal to the loss suffered, or expenditure incurred, by that operator in complying with the notice.

(6) Any dispute under regulation (5) as to the loss suffered or expenditure incurred shall be determined by the Lands Tribunal.

Commencement Information

I23 Reg. 16 in operation at 24.3.2012, see [reg. 1\(4\)](#)

Consequences of not complying with a notice under regulation 16

17. If a bathing water operator upon whom a notice is served under regulation 16 fails to comply with any of the requirements of the notice, the Department may—

- (a) do what the bathing water operator was required to do and may recover from the bathing water operator any costs or expenses reasonably incurred by the Department in doing it; or
- (b) take proceedings in the High Court requiring the bathing water operator to comply with the notice.

Commencement Information

I24 [Reg. 17](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Enforcement powers

18. Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (4) applies to the exercise by the Department of its functions under these Regulations as it applies to the exercise of its functions under the pollution control statutory provisions referred to in that Article.

Commencement Information

I25 [Reg. 18](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Power to obtain information

19.—(1) The Department may serve on any person a notice requiring that person to furnish it, within a period of time specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Department for the purpose of carrying out any of its functions under these Regulations.

(2) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Commencement Information

I26 [Reg. 19](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Co-operation on transboundary waters

20.—(1) Where a river basin gives rise to transboundary impacts on bathing water quality, the Department shall notify the competent authorities in the Republic of Ireland of the relevant facts.

(2) The Department, in consultation with the competent authorities in the Republic of Ireland, shall organise the concertation necessary to identify the sources in question and the measures to be taken to protect the waters that are affected.

Commencement Information

I27 [Reg. 20](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

PART 7

REVOCATION

Revocation

21. The Quality of Bathing Water Regulations (Northern Ireland) 1993 are hereby revoked.

Commencement Information

I28 Reg. 21 in operation at 30.9.2015, see [reg. 1\(6\)](#)

Sealed with the Official Seal of the Department of the Environment on 28th May 2008.



Maggie Smith
A senior officer of the
Department of the Environment

Changes to legislation:

There are currently no known outstanding effects for the The Quality of Bathing Water Regulations (Northern Ireland) 2008.