

EXPLANATORY MEMORANDUM TO
THE QUALITY OF BATHING WATER (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2018

2018 No. 104

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural affairs (The Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amends The Quality of Bathing Water Regulations (Northern Ireland) 2008 (as amended) so as to add Cloughey, Kilclief and Ballyhornan to the list of identified bathing waters in Schedule 1 to those Regulations.

3. Background

- 3.1. The Quality of Bathing Water Regulations (Northern Ireland) 2008 (as amended) transposed the Bathing Water Directive (2006/7/EC) concerning the management of bathing water quality. The Department reviews the list of identified bathing waters on a 6-yearly basis, and consequently completed a 2017 Review of Bathing Waters in Northern Ireland.

4. Consultation

- 4.1. The Department consulted on its 2017 Review of Bathing Waters in Northern Ireland from 12 December 2016 to 3 February 2017.

5. Equality Impact

- 5.1. The Department completed a preliminary screening exercise prior to issuing its consultation paper. This had shown no evidence of any impact on equality issues. Therefore, the Department did not consider it necessary to complete a full Equality Impact Assessment.

6. Regulatory Impact

- 6.1. The Department completed an initial Regulatory Impact Assessment as part of its 2017 Review of Bathing Waters in Northern Ireland. Northern Ireland Water commented on the potential impact to its operations of the Department's proposals. A final Regulatory Impact Assessment accompanies these amending Regulations.

7. Financial Implications

- 7.1. The amending Regulations add Cloughey, Kilclief and Ballyhornan to the list of identified bathing waters in Northern Ireland. The financial implications arise from the subsequent monitoring and public information

requirements and the need to meet the stringent water quality objectives required by the Directive.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

- 9.1. The Quality of Bathing Water Regulations (Northern Ireland) 2008 (as amended) transposed Council Directive of 15 February 2006 concerning the management of bathing water quality (2006/7/EC) (the Bathing Water Directive). These amending Regulations meet the Directive's requirement to identify bathing waters where the Department expects a large number of people to bathe, and where it is safe to do so.

10. Parity or Replicatory Measure

- 10.1. The UK's Administrations make similar amending Regulations where there is evidence that large numbers of people bathe at a site, and where they are satisfied that it should be identified as a bathing water.

11. Additional Information

- 11.1. Not applicable.