
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 170

The Bathing Waters (Scotland) Regulations 2008

PART 5

BATHING WATER ASSESSMENT AND CLASSIFICATION

Classification

10.—(1) At the end of every bathing season from 2015 onwards, on the basis of the assessment made under regulation 9, SEPA must classify every bathing water as “poor”, “sufficient”, “good” or “excellent” in accordance with Schedule 3.

(2) SEPA must issue permanent advice against bathing at a bathing water (which advice must also be notified to the relevant local authority and the relevant owner) if—

- (a) the bathing water is classified as “poor” for 5 consecutive years; or
- (b) the Scottish Ministers, after consultation with SEPA, the relevant local authority and Scottish Water, consider that the achievement of a “sufficient” quality classification at that bathing water would be infeasible or disproportionately expensive.

(3) SEPA may withdraw permanent advice against bathing at a former bathing water (as defined under regulation 8(9)) if the quality of the water is such that if it were a bathing water, it would be classified as “sufficient”, “good” or “excellent” in accordance with Schedule 3, and in those circumstances SEPA must advise—

- (a) the Scottish Ministers,
- (b) the relevant local authority; and
- (c) the relevant owner,

that it has withdrawn its permanent advice against bathing.

(4) SEPA shall advise the Scottish Ministers of all classifications made, and advice issued or withdrawn, by it under this regulation.