
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 170

The Bathing Waters (Scotland) Regulations 2008

PART 1

GENERAL PROVISIONS

Consultation

5.—(1) The Scottish Ministers must ensure that the public, the appropriate local authorities, the relevant health board, SEPA, and any other public body that they think may have an interest in any proposed bathing water (hereinafter referred to as the “consultees”) are given early and effective opportunities to participate in the establishment, review or revision of the list of bathing waters and the length of the bathing season relative to a designated bathing water, in accordance with paragraphs (2) to (4).

(2) The Scottish Ministers must—

- (a) ensure that the consultees are informed about any proposals for the establishment, review or revision of the list of bathing waters or length of season;
- (b) ensure that information about the proposals referred to in sub-paragraph (a) is made available to the consultees, including information about the right to participate in decision making in relation to those proposals;
- (c) ensure that the consultees are entitled to make comments before any decision is made on the establishment, review or revision of the list of bathing waters or length of season;
- (d) in making any such decision, take due account of the results of the consultation; and
- (e) having examined the comments made and opinions expressed by the consultees, make reasonable efforts to inform them about—
 - (i) the decisions taken and the reasons and considerations on which those decisions are based; and
 - (ii) the consultation process.

(3) The Scottish Ministers must publish any information required to carry out their functions under paragraphs (1) and (2) in such manner as they consider appropriate for the purpose of bringing it to the attention of the consultees and without prejudice to the foregoing must—

- (a) publish such information on their website; and
- (b) specify in a notice on the website the detailed arrangements made to enable participation by the consultees in the establishment, review or revision of a bathing water or season including—
 - (i) the address to which comments may be submitted; and
 - (ii) the period within which comments may be submitted.

(4) The Scottish Ministers must ensure that sufficient time is allowed for each of the different stages of consultation required by paragraph (2).

(5) SEPA, any local authority and the Scottish Ministers must—

- (a) encourage public participation in the exercise of their respective functions under these Regulations;
- (b) ensure that the public has an opportunity—
 - (i) to find out how to participate; and
 - (ii) to submit comments or complaints; and
- (c) take due account of any information they have obtained from the public when exercising their respective functions under these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Bathing Waters (Scotland) Regulations 2008, Section 5.