

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a system of classifying the quality of relevant territorial waters, coastal waters and inland waters which are bathing waters. The classification BW1 prescribed by the Regulations reflects the mandatory standards laid down in the Annex to Council directive [76/160/EEC](#) concerning the quality of bathing water.

The system of classification prescribed by the Regulations will be used for establishing quality objectives under section 105 of the Water Act 1989 for bathing waters (regulation 2 and Schedules 1 to 3). Paragraph 3 of Schedule 1 gives the Secretary of State power to grant derogations from certain requirements of the objectives in circumstances permitted by Article 8 of Council Directive [76/160/EEC](#). There are sampling requirements in Schedules 2 and 3 and the Secretary of State will use his powers under section 146 of the Water Act 1989 to direct the National Rivers Authority to sample and test waters to which classification BW1 applies in accordance with those requirements.

Regulation 3 imposes a duty on the Secretary of State to use his powers under section 105 of the Water Act 1989 to apply the classification BW1 to waters which are “bathing water” within the meaning of Council Directive [76/160/EEC](#). It also dispenses with the requirements of section 105 and (5) (representations and objections) in cases where the Secretary of State is performing that duty.