
STATUTORY INSTRUMENTS

2008 No. 1097

The Bathing Water Regulations 2008

PART 6

FINAL PROVISIONS

Enforcement

16.—(1) If the appropriate Minister becomes aware that a local authority or private controller has failed in the local authority's or private controller's duties under these Regulations, the appropriate Minister may, by notice to the local authority or private controller, specify—

- (a) measures to be taken by the local authority or private controller to comply with these Regulations; and
- (b) the deadline by which those measures must be taken.

(2) The appropriate Minister must consider any representations received from the local authority or private controller on the notice, and may amend or withdraw the notice.

(3) If the measures specified have not been taken by the deadline specified, the appropriate Minister may—

- (a) take the measures; or
- (b) apply to the High Court for an order requiring the local authority or private controller to comply with these Regulations.

(4) Section 108 of the Environment Act 1995⁽¹⁾ (powers of enforcing authorities and persons authorised by them) has effect in relation to England and Wales as if—

- (a) “pollution control functions” in relation to the Secretary of State, the Agency and the Welsh Ministers includes their respective functions under these Regulations; and
- (b) the powers in paragraph (4) of that section included the power to take any measure required of a local authority or private controller under these Regulations.

(5) Section 202(2) of the Water Resources Act 1991 (information in connection with the control of pollution) has effect as if it conferred power on the Secretary of State, the Welsh Ministers and the Agency to require the furnishing of information reasonably required for the purposes of giving effect to the Bathing Water Directive.

(1) 1995 c. 25.