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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Bathing Water Regulations 2008 and implement, in England and Wales only, [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality and repealing [Directive 76/160/EEC](#) (OJ L64, 4.3.2006, p.37) (“the Bathing Water Directive”). The Bathing Water Directive is available from the Europa website:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0007:EN:NOT>.

These Regulations also implement Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive 2006/7, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing (OJ No L 143, 31.5.2011, p.38) (“the Decision”).

Regulation 2(1) sets out various definitions including the definition of bathing waters which are defined as surface waters that are identified under regulation 3 and listed in Schedule 2, and at which no permanent advice against bathing is currently in force under regulation 13. Regulation 2(1) refers to the definitions in Schedule 1 which have the same meaning as in Directive 2006/60 EC of the European Parliament and of the Council establishing a framework for community action in the field of water policy.

Regulation 3 provides for specified criteria which must be applied to the identification of such surface waters and other matters which must be given consideration. Regulation 3 also provides that the Secretary of State and the Welsh Ministers must also publish, annually, before the start of the bathing season, a list of all bathing waters within their respective areas, and a list of all surface waters at which permanent advice against bathing has been issued (and which are therefore no longer bathing waters). A copy of the English list (including a list of the names by which some bathing waters were formerly known) may be obtained from , or inspected on request in writing to the Department for Environment, Food and Rural Affairs, Bathing Waters Team, Area 3D Nobel House, 17 Smith Square, London SW19 3JR, by emailing [bathingwater@defra.gsi.gov](mailto:bathingwater@defra.gsi.gov) or by downloading from the Department’s website at [www.gov.uk/defra](http://www.gov.uk/defra). A copy of the Welsh list may be obtained on request by writing to the Welsh Government, Water Branch, Cathays Park, Cardiff, CF10 3NQ, by emailing [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk) or by downloading from the Welsh Government’s website at [www.wales.gov.uk](http://www.wales.gov.uk).

Regulation 4 provides that the bathing season lasts from 15th May to 30th September each year.

Regulation 5 provides for the classification of “sufficient” as the minimum standard to be achieved for all bathing waters by the end of the 2015 bathing season.

Regulation 6 sets out duties in relation to public participation, imposed on the Secretary of State, the Welsh Ministers and ‘the appropriate agency’ (defined in regulation 2(1) as the Environment Agency in relation to surface waters in England, and the Natural Resources Body for Wales (known as ‘Natural Resources Wales’) in relation to surface waters in Wales) in order to secure compliance with the Bathing Water Directive.

Under regulation 7, the appropriate agency must establish a bathing water profile for every bathing water. Copies of bathing water profiles in relation to English bathing waters are available from the Environment Agency, National Customer Contact Centre, PO Box 544, Rotherham S60 1BY, by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) or from the Agency’s website at [www.environment-agency.gov.uk/contactus/default.aspx](http://www.environment-agency.gov.uk/contactus/default.aspx). Copies of bathing water

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profiles in relation to Welsh bathing waters are available from Natural Resources Wales, Strategic Water Quality and Planning, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP, by emailing [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) or from Natural Resources Wales' website at [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

Under regulation 8 (and Schedule 4), the appropriate agency must establish a suitable monitoring programme for every bathing water.

Regulation 9 provides for the dissemination of the specified information by local authorities and gives effect to signage requirements in the Decision. It also provides that the appropriate agency must disseminate the specified information using appropriate media and technologies.

Under regulations 10 and 11, the appropriate agency must assess the bathing water quality data gathered under its monitoring programme and classify each bathing water as “poor”, “sufficient”, “good” or “excellent”. The meaning of each classification is set out in Schedule 5.

Regulation 12 provides for the management measures which the appropriate agency, sewerage undertakers and local authorities must take in the event of certain pollution events occurring at a bathing water. It also imposes express obligations on the appropriate agency and local authorities to inform the public when such events occur.

Regulation 13 requires the appropriate agency in specified circumstances to issue permanent advice against bathing at a bathing water. The regulation also provides for express obligations on the appropriate agency and local authorities for publicising the advice and the reasons for declassification of the former bathing water.

Regulations 14 and 15 set out the obligations on the appropriate agency and local authorities to make specified information available to the public in relation to ‘short-term pollution’ (as defined in regulation 2(1)) at relevant bathing waters.

Regulation 16 contains enforcement provisions and sets out the measures which the appropriate Minister may take against a local authority or private operator.

Regulation 17 states that the appropriate Minister may give guidance to the appropriate agency or any local authority regarding the implementation of the Bathing Water Directive.

Regulation 18 contains transitional provisions.

Regulation 19 revokes the Bathing Water Regulations 2008 and amends with effect from 24th March 2015 certain legislation transposing Council [Directive 76/160/EEC](#) concerning the quality of bathing water (OJ No L31, 5.2.1976, p.1) which is repealed by the Bathing Water Directive.

Regulation 20 requires the Secretary of State to review the operation and effect of these Regulations in England and publish a report within five years and within every five years after that. Following a review it will fall to the Secretary of State to consider, in relation to England, whether these Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend these Regulations.

A transposition note and full impact assessment of the effect that this instrument (including the impact assessment prepared in relation to the Bathing Water Regulations 2008) will have on the costs of business and the voluntary sector is available from the Department for Environment, Food and Rural Affairs, Bathing Waters Team, Area 3D Nobel House, 17 Smith Square, London SW19 3JR, by email to [bathingwater@defra.gov.uk](mailto:bathingwater@defra.gov.uk) or from the Department's website at [www.gov.uk/defra](http://www.gov.uk/defra). These documents are also available from the Welsh Government, Water Branch, Cathays Park, Cardiff, CF10 3NQ, by email to [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk) or from the Welsh Government's website at [www.wales.gov.uk](http://www.wales.gov.uk).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be

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obtained from the Welsh Government, Water Branch, Cathays Park, Cardiff, CF10 3NQ, by email to [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk) or from the Welsh Government's website at [www.wales.gov.uk](http://www.wales.gov.uk).