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STATUTORY INSTRUMENTS

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**2013 No. 1675**

**The Bathing Water Regulations 2013**

**PART 6**

**FINAL PROVISIONS**

**Enforcement**

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

- (a) measures that the local authority must take to ensure that the local authority complies with these Regulations; and
- (b) the deadline by which those measures must be taken.

(2) If the appropriate Minister becomes aware that a private operator has caused or is continuing to cause a local authority to fail in its duties under these Regulations, the appropriate Minister may by notice to the private operator specify—

- (a) measures that the private operator must take; and
- (b) the deadline by which those measures must be taken.

(3) The appropriate Minister must consider any representations about the notice received from the local authority or private operator to whom the notice is addressed, and may amend or withdraw the notice.

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

- (a) take the measures; or
- (b) apply to the High Court for an order requiring (as the case may be)—
  - (i) the local authority to comply with the notice or otherwise carry out its duties under these Regulations; or
  - (ii) the private operator to comply with that notice.

(5) Section 108 of the Environment Act 1995 <sup>M1</sup> (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 Welsh Ministers, the Environment Agency and the Natural Resources Body for Wales included 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 under these Regulations.

(6) Section 202(2) of the Water Resources Act 1991 <sup>M2</sup> (information in connection with the control of pollution) has effect as if it conferred power on the Secretary of State, the Welsh Ministers, the Environment Agency and the Natural Resources Body for Wales to require the furnishing of information reasonably required for the purposes of [<sup>F1</sup>these Regulations].

(7) In this regulation, “private operator” means a person, other than a local authority, who controls the relevant land in relation to a bathing water.

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**Textual Amendments**

- F1** Words in [reg. 16\(6\)](#) substituted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **15(6)**; 2020 c. 1, Sch. 5 para. 1(1)
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**Marginal Citations**

- M1** [1995 c.25](#), as amended by [S.I. 2013/755 \(W. 90\)](#); there are other amending instruments but none is relevant.
- M2** [1991 c.57](#), as amended [S.I. 2013/755 \(W. 90\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Bathing Water Regulations 2013, Section 16.