STATUTORY RULES OF NORTHERN IRELAND

2013 No. 151

ENVIRONMENTAL PROTECTION

The Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*31st May 2013*
Coming into operation	*26th June 2013*

The Department of the Environment, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment, acting in exercise of the powers conferred upon it by that section, makes the following Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as the Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 26th June 2013.

2. The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Assembly.

Amendments to the Quality of Bathing Water Regulations (Northern Ireland) 2008

3. The Quality of Bathing Water Regulations (Northern Ireland) 2008(**4**) are amended in accordance with regulations 4 to 12.

Amendment of regulation 2

4. In regulation 2 (interpretation)—

(a) in paragraph (2)—

(i) for the definition of "bathing water" substitute—

""bathing water" means the surface waters identified under regulation 3(1), other than excluded pools and waters, at which the Department expects a large number of people to bathe, having regard in particular to past trends and

(**1**) S.I. 2008/301
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 2008 No.231

any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters;";

(ii) after the definition of "cyanobacterial proliferation" insert—

""the Decision" means the Commission Implementing Decision 2011/321/EU of 27 May 2011 establishing, pursuant to the Bathing Water Directive, a symbol for information to the public on bathing water classification and any bathing water prohibition or advice against bathing(**5**);";

(iii) for the definition of "Departmental management measures" substitute—

""Departmental management measures" mean measures in relation to a bathing water taken by the Department—

(a) to identify and assess the causes of pollution that might, in the particular circumstances of each case, affect bathing waters and impair bathers' health;

(b) under regulation 5 to reduce the risk of pollution; or

(c) under regulations 7 to 12;

"excluded pools and waters" means—

(a) swimming pools and spa pools;

(b) confined waters subject to treatment or used for therapeutic purposes; and

(c) artificially created confined waters separated from surface water and groundwater;";

and

(iv) in the definition of "permanent advice against bathing" for "12(2)" substitute "14(2)"; and

(b) for paragraph (3) substitute—

"(3) In the following provisions, namely—

(a) regulation 5(4);

(b) regulation 10(2)(b);

(c) regulation 13(1) and (2);

(d) regulation 14(1), (3) and (4);

(e) regulation 16; and

(f) paragraph 10(2) of Part 4 of Schedule 3,

references to a bathing water operator do not include the Department in its capacity as such.".

Amendment of regulation 3

5. For regulation 3 (identification of bathing waters) substitute—

"**Identification of bathing waters**

3.—(1) The Department shall identify all bathing waters in Northern Ireland on an annual basis.

(2) The Department shall list in Schedule 1 the bathing waters identified in paragraph (1).

(**5**) OJ No L143,31.5.2011, p.38-40

(3) The Department shall publish the following information on an annual basis and in accordance with paragraph (4)—

(a) a complete list of all bathing waters identified in paragraph (1);

(b) details of all surface waters at which permanent advice against bathing has been issued (and not withdrawn) under regulation 14, including in relation to each surface water, the reasons for that advice.

(4) The information to be published under paragraph (3) shall be actively disseminated before the start of the bathing season using appropriate media and technologies including the internet, and in such languages as appropriate.".

Amendment of regulation 7

6. In regulation 7 (bathing water profiles) for paragraph (1) substitute—

"(1) The Department shall, in relation to every bathing water, in accordance with Schedule 2—

(a) if it has not already done so, establish a bathing water profile before the start of the bathing season; and

(b) keep every bathing water profile under review.".

Amendment of regulation 9

7. In regulation 9 (public information: duties of bathing water operator), for paragraph (1) substitute—

"(1) Every bathing water operator shall ensure that the following information about its bathing water is actively disseminated and promptly made available during the bathing season in an easily accessible place in the near vicinity of the bathing water—

(a) the bathing water's current classification pursuant to regulation 12, represented by a symbol in accordance with Part 2 of the Annex to the Decision;

(b) any advice against bathing which has been introduced there, represented by a symbol in accordance with Part 1 of the Annex to the Decision, and giving reasons;

(c) a general description of the bathing water, in non-technical language, based on its bathing water profile;

(d) where the bathing water is subject to or likely to be subject to incidents of short-term pollution—

(i) a statement to that effect;

(ii) an indication of the number of days for which advice against bathing was introduced there during the immediately preceding bathing season because of short-term pollution; and

(iii) a warning whenever short term pollution is predicted or present;

(e) information on the nature and expected duration of abnormal situations there; and

(f) an indication of the sources of more complete information published in accordance with regulation 10.".

Amendment of regulation 10

8. In regulation 10 (public information: duties of the Department), for paragraph (1) substitute—