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EUROPEAN COMMUNITIES

PUBLIC HEALTH

The Quality of Bathing Water Regulations (Northern Ireland) 1993

Made	*26th April 1993*
Coming into operation . .	*1st June 1993*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the prevention, reduction and elimination of pollution of water, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Quality of Bathing Water Regulations (Northern Ireland) 1993 and shall come into operation on 1st June 1993.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

"the Annex" means the Annex to the Directive;

"bathing area" means any place where bathing water is found;

"bathing water" means all running or still fresh waters or parts thereof and sea water, in which—

(*a*) bathing is explicitly authorised; or

(*b*) bathing is not prohibited and is traditionally practised by a large number of bathers;

"the Department" means the Department of the Environment;

"the Directive" means the Council Directive 76/160/EEC(**d**).

(**a**) S.I. 1989/2393
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L31, 5.2.76, p. 1

Quality standards and sampling requirements for bathing water

3.—(1) The Department shall set, for all bathing areas or for each individual bathing area, the values applicable to bathing water for the parameters given in the Annex.

(2) The Department may decide, in the case of the parameters for which no values are given in the Annex, not to fix any values pursuant to regulation 3(1), until such time as figures have been determined.

(3) The values set pursuant to regulation 3(1) may not be less stringent than those given in column I of the Annex.

(4) Where values appear in column G of the Annex, whether or not there is a corresponding value in column I, the Department shall endeavour to observe them as guidelines.

(5) The Schedule (which imposes sampling requirements for bathing water) shall have effect.

(6) Subject to paragraph (7) the Department shall take all necessary measures to ensure that the quality of bathing water conforms to the values set in accordance with paragraph (1).

(7) The Department shall ensure that implementation of the measures taken pursuant to these regulations shall not lead, directly or indirectly, to deterioration of the current quality of bathing water.

(8) The Department shall periodically carry out local investigations of the conditions prevailing upstream in the case of fresh running water, and of the ambient conditions in the case of fresh still water and sea water to obtain geographical and topographical data and to determine the volume and nature of all polluting and potentially polluting discharges and their effects according to the distance from the bathing area.

Deemed conformity to values set

4.—(1) Subject to paragraph (2), bathing water shall be deemed to conform to the values set by the Department pursuant to regulation 3(1) if—

(*a*) samples of the water, taken at the same sampling point and at the intervals specified in the Annex, show that it conforms to the parametric values for the quality of the water concerned, in the case of—

(i) 95% of the samples for parameters corresponding to those specified in column I of the Annex;

(ii) 90% of the samples in all other cases with the exception of the total coliform and faecal coliform parameters where the percentage may be 80%; and

(*b*) in the case of the 5, 10 or 20% of the samples which do not comply—

(i) the water does not deviate from the parametric values in question by more than 50%, except for microbiological parameters, pH and dissolved oxygen;

(ii) consecutive water samples taken at statistically suitable intervals do not deviate from the relevant parametric values.