
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

**The Quality of Bathing Water
Regulations (Northern Ireland) 2008**

PART 6

GENERAL PROVISIONS

Notice requiring bathing water operator to comply with the Regulations

16.—(1) If the Department becomes aware that a bathing water operator has failed in its duties under these Regulations, the Department may —

- (a) by notice given to the bathing water operator specify—
 - (i) the measures which shall be taken by it to comply with these Regulations; and
 - (ii) the time within which those measures shall be taken.

(2) Before serving a notice under paragraph (1) on a bathing water operator, the Department shall reasonably endeavour to consult that operator concerning the measures which are to be specified in the notice.

(3) A notice under paragraph (1) shall not be regarded as invalid or invalidly served by reason only of a failure to comply with paragraph (2).

(4) A bathing water operator upon whom a notice under paragraph (1) is served, may, within the period of 21 days beginning with the day on which the notice is served, appeal against the notice to the Water Appeals Commission.

(5) Where—

- (a) a notice under paragraph (1) is varied or quashed on appeal; and
 - (b) the bathing water operator has complied with the notice,
- the Department shall pay to the bathing water operator an amount equal to the loss suffered, or expenditure incurred, by that operator in complying with the notice.

(6) Any dispute under regulation (5) as to the loss suffered or expenditure incurred shall be determined by the Lands Tribunal.

Consequences of not complying with a notice under regulation 16

17. If a bathing water operator upon whom a notice is served under regulation 16 fails to comply with any of the requirements of the notice, the Department may—

- (a) do what the bathing water operator was required to do and may recover from the bathing water operator any costs or expenses reasonably incurred by the Department in doing it; or
- (b) take proceedings in the High Court requiring the bathing water operator to comply with the notice.

Enforcement powers

18. Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997 **(1)** applies to the exercise by the Department of its functions under these Regulations as it applies to the exercise of its functions under the pollution control statutory provisions referred to in that Article.

Power to obtain information

19.—(1) The Department may serve on any person a notice requiring that person to furnish it, within a period of time specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Department for the purpose of carrying out any of its functions under these Regulations.

(2) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Co-operation on transboundary waters

20.—(1) Where a river basin gives rise to transboundary impacts on bathing water quality, the Department shall notify the competent authorities in the Republic of Ireland of the relevant facts.

(2) The Department, in consultation with the competent authorities in the Republic of Ireland, shall organise the concertation necessary to identify the sources in question and the measures to be taken to protect the waters that are affected.