

1993 No. 205

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.

(2) Deviations from the values set under regulation 3(1) shall not be taken into consideration in the calculation of the percentage referred to in paragraph (1) when they are the result of floods, other natural disasters or abnormal weather conditions.

Waiver of the Directive

5.—(1) Subject to regulation 6, the Department may, in relation to bathing water, modify or disapply the requirements of the Directive—

- (a) in the case of parameters marked (0) in the Annex, because of exceptional weather or geographical conditions; or
- (b) when bathing water undergoes natural enrichment in certain substances causing a deviation from the values prescribed in the Annex.

(2) In this regulation “natural enrichment” means the process whereby, without human intervention, a given body of water receives from the soil certain substances contained therein.

Limitation on powers of Department

6. The Department shall not exercise its powers under regulation 5 so as to permit a risk to public health.

Exemptions

7. These regulations shall not apply to—

- (a) water used for therapeutic purposes; or
- (b) water used in swimming pools.

Sealed with the Official Seal of the Department of the Environment on
26th April 1993.

(L.S.)

R. W. Rogers

Assistant Secretary

Sampling Requirements for Bathing Water

1. The Department shall in each year throughout the period beginning on 30th April and ending on 30th September take samples of bathing water in accordance with the minimum frequency laid down in the Annex.

2. The Department shall take additional samples if the Department has grounds to suspect that the quality of the water is deteriorating for any reason or is likely to deteriorate as a result of any discharge or probable discharge of substances likely to lower the quality of water.

3. Samples shall be taken at places where the daily average density of bathers is at its highest and preferably 30 centimetres below the surface, except in the case of samples for testing for mineral oils, which shall be taken at surface level.

4. Where the Department uses methods of analysis and inspection other than those specified in the Annex, it shall ensure that the results obtained are equivalent or comparable to those specified in the Annex.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Council Directive No. 76/160/EEC (OJ No. L31/1) concerning the quality of bathing water.

Regulation 3(1) requires the Department to set values applicable to bathing water for the parameters given in the Annex to the Directive.

Regulation 3(4) requires the Department to observe as guidelines the values which appear in column G of the Annex.

Regulation 3(5) and the Schedule impose sampling requirements for bathing water.

Regulation 3(6) requires the Department to take all necessary measures to ensure that the quality of bathing water conforms to the values set by it.

Regulation 3(7) requires the Department to ensure that the quality of bathing water does not deteriorate as a result of the implementation of measures introduced by these Regulations.

Regulation 4 prescribes the conditions to be fulfilled for bathing water to be deemed to conform to the values set by the Department.

Regulation 5 prescribes the conditions under which the Department may modify or disapply the Directive.

Regulation 6 provides that the Department shall not exercise its powers under regulation 5 so as to permit a risk to public health.

Regulation 7 exempts swimming pools and water used for therapeutic purposes.

Copies of this Directive and extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast BT1 4GD.