
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

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

PART 1

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Quality of Bathing Water Regulations (Northern Ireland) 2008 and come into operation in accordance with paragraphs (2) to (6).

(2) Regulations 1- 6, regulation 19, paragraph 2 (1) (a) of Schedule 3 and regulation 8 insofar as it relates to that paragraph, come into operation on 30th June 2008.

(3) Regulation 7 comes into operation on 24th March 2011.

(4) Subject to paragraph (6), regulations 8 to 10, 11(1) (a) and (5), 13, 15 to 18 and 20 come into operation on 24th March 2012.

(5) The remainder of regulation 11 and regulations 12 and 14 come into operation on 24th March 2015.

(6) Sub-paragraph (a) of paragraph (1) of regulation 9, regulation 10 insofar as it relates to that sub-paragraph and regulation 21 come into operation on 30th September 2015.

Commencement Information

II [Reg. 1](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (1) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“abnormal situation” means an event or combination of events impacting on bathing water quality which the Department would not expect to occur, on average, more than once every four years;

“bathing season” means the period determined by the Department under regulation 4;

[^{F1}“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 any infrastructure or facilities provided, or other measures taken, to promote bathing at those waters;]

[^{F2}“Bathing Water Directive” means [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality as last amended by Council [Directive 2013/64/EU](#);]

“bathing water operator” means any person who controls the land immediately adjacent to a bathing water which is normally used to access the bathing water from the landward side and where the bathing water is tidal, the person who controls such land above the high water mark;

“bathing water profile” means the profile established under regulation 7;

“bathing water quality assessment” means the assessment carried out by the Department under regulation 11;

“cyanobacterial proliferation” means the accumulation of cyanobacteria in the form of a bloom, mat or scum;

[^{F3}“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(2);]

“Department” means the Department of the Environment;

[^{F4}“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;
- (d) “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;]

“management measures” means Departmental management measures or operator management measures;

“operator management measures” means measures taken by a bathing water operator—

- (a) to give information to the public under regulation 9; or
- (b) to prevent bathers’ exposure to pollution by means of public information under regulation 9;

“permanent advice against bathing” means advice issued, in relation to at least one whole bathing season, under regulation [^{F5}14(2)] ;

“relevant procedures for short-term pollution” means the following procedures for identifying the causes of, predicting and dealing with short-term pollution—

- (a) management measures;
- (b) surveillance and early warning systems with a view to preventing bathers’ exposure to the short-term pollution by means of public information under regulations 9 and 10;

- (c) measures in relation to a bathing water taken by the Department under regulation 5 to prevent, reduce or eliminate the causes of short-term pollution;

“set of bathing water quality data” means data obtained from results of samples taken under Part 1 of Schedule 3;

“short-term pollution” means contamination by Intestinal enterococci or Escherichia coli where the Department—

- (a) has identified its causes; and
(b) does not normally expect the contamination to affect bathing water quality for more than approximately 72 hours after the bathing water is first affected;

“surface water”, “groundwater”, “inland water”, “coastal water” and “transitional waters” have the same meaning as in the Water Framework Regulations;

“vicinity of the bathing water” means a position near to the bathing water, at a place likely to be noticed by persons as they make use of or enter onto the bathing water and, where the bathing water is tidal, higher than the High Spring Tide mark; and

[^{F6}[^{F7}(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.]

(4) Expressions used in these Regulations and not otherwise defined shall have the same meaning in these Regulations as they have in the Bathing Water Directive.]

[^{F8}(5) For the purposes of these Regulations, a reference to a Directive is to be read as if any reference in that Directive to one or more member States or a competent authority in a provision imposing an obligation or conferring a discretion on a member State, member States or competent authority were a reference to the Department.]

- F1** Words in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **4(a)(i)**
- F2** Words in [reg. 2\(2\)](#) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 2 para. 6**
- F3** Words in [reg. 2\(2\)](#) inserted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **4(a)(ii)**
- F4** Words in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **4(a)(iii)**
- F5** Word in [reg. 2\(2\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **4(a)(iv)**
- F6** Words in [reg. 2\(2\)](#) substituted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), reg. 1(a), **Sch. 4 para. 5** (with reg. 37)
- F7** [Reg. 2\(3\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **4(b)**
- F8** [Reg. 2\(5\)](#) inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **6(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Quality of Bathing Water Regulations (Northern Ireland) 2008, PART 1. (See end of Document for details)

Commencement Information

I2 [Reg. 2](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Quality of Bathing Water Regulations (Northern Ireland) 2008, PART 1.