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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 170**

**The Bathing Waters (Scotland) Regulations 2008**

**PART 1**

**GENERAL PROVISIONS**

**General duties**

- 4.—(1) SEPA and any local authority must promptly provide—
- (a) such information to the Scottish Ministers about the quality of bathing waters as the Scottish Ministers may by written notice reasonably require; and
  - (b) such information to a local authority about the quality of the bathing waters in its area as the local authority may by written notice reasonably require.
- (2) The Scottish Ministers and SEPA must exercise their relevant functions—
- (a) so as to ensure that, by the end of the bathing season in 2015, all bathing waters are classified under regulation 10 as “sufficient”, “good” or “excellent”;
  - (b) so as to take such realistic and proportionate measures as they consider appropriate with a view to increasing the number of bathing waters classified under regulation 10 as “good” or “excellent”; and
  - (c) in all other respects, so as to secure compliance with the requirements of the bathing water directive.
- (3) Notwithstanding—
- (a) paragraph (2)(a) a bathing water may be classified as “poor”, provided the provisions of these Regulations relating to waters so classified are complied with;
  - (b) paragraph (2)(b) there shall be no obligation to take measures which would result in disproportionate expense or where any change in classification is infeasible.
- (4) In this regulation, “relevant functions” means functions under the relevant enactments as defined in section 2 of the Water Environment and Water Services (Scotland) Act 2003.