
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 170

The Bathing Waters (Scotland) Regulations 2008

PART 5

BATHING WATER ASSESSMENT AND CLASSIFICATION

Assessment

- 9.—(1) At the end of every bathing season, for every bathing water SEPA must—
- (a) prepare a set of bathing water quality data for that season; and
 - (b) carry out a bathing water quality assessment using the set of bathing water quality data compiled in relation to that season and the relevant assessment period.
- (2) The obligation in paragraph (1)(a) is to apply for the first time at the end of the 2012 bathing season.
- (3) The obligation in paragraph (1)(b) is to apply for the first time from the end of the 2015 bathing season.
- (4) In this regulation, “a set of bathing water quality data for that season” comprises of samples collected in compliance with regulation 7(2)(a), which number at least:—
- (a) 3 samples, where:—
 - (i) the bathing season does not exceed 8 weeks, or
 - (ii) the bathing water is situated in a region subject to special geographical constraints; or
 - (b) 4 samples, in any other case.
- (5) In this regulation, the “relevant assessment period” is—
- (a) the immediately preceding 3 bathing seasons;
 - (b) where SEPA so decides in accordance with paragraph (7), the immediately preceding 2 bathing seasons; or
 - (c) where SEPA so decides in accordance with paragraph (8), the number of immediately preceding bathing seasons, being less than 3, that SEPA may determine in accordance with paragraph (9) or (10), as the case may be.
- (6) In this regulation the “set of bathing water quality data compiled in relation to that season and the relevant assessment period” comprises of at least—
- (a) in a case where the bathing water is situated in a region subject to special geographical constraints, 12 samples, and
 - (b) in any other case—
 - (i) 16 samples, where the bathing season is in excess of 8 weeks; or
 - (ii) 8 samples, where the bathing season does not exceed 8 weeks.
- (7) SEPA may make a decision under paragraph (5)(b) where—
- (a) it has consulted the Scottish Ministers; and

(b) it is at least 5 years since the last change in the relevant assessment period.

(8) SEPA may make a decision under paragraph (5)(c)–

(a) where it has consulted the Scottish Ministers; and

(b) where–

(i) the Scottish Ministers designated the bathing water under regulation 3 less than 4 bathing seasons ago; or,

(ii) SEPA considers that changes have occurred that are likely to affect the classification of the bathing water under regulation 10.

(9) In the case of paragraph (8)(b)(i) the number of immediately preceding seasons is the number of seasons (if any) since the bathing water was designated.

(10) In the case of paragraph (8)(b)(ii) the number of immediately preceding seasons is limited to that number of seasons (if any) in which the water quality data was all collected after the changes referred to in that provision occurred.

(11) The Scottish Ministers may, after consulting with SEPA–

(a) subdivide existing bathing waters in the light of the bathing water quality assessments carried out under this regulation; or

(b) group together existing bathing waters in the light of those assessments where those bathing waters–

(i) are contiguous;

(ii) have received similar such assessments for the preceding 4 years; and

(iii) have bathing water profiles which identify a common pollution risk profile.