
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a system for classifying the quality of inland freshwaters, coastal waters and relevant territorial waters with a view to reducing the pollution of those waters by the dangerous substances listed in the Schedules to the Regulations (regulations 2 and 3 and Schedules 1 and 2). Those substances are substances within List II of Council Directive 76/464/EEC⁽¹⁾ (which deals with pollution caused by certain dangerous substances discharged into the aquatic environment), and the regulations are made in order to establish water quality objectives for those substances for the purposes of Article 7 of the Directive (pollution reduction programmes).

The Environment Agency is required by the Regulations to sample waters classified under the Regulations (and analyse samples) to monitor the effect on those waters of discharges containing the dangerous substances in question, to determine the extent of any pollution by those substances and compliance with the requirements for the relevant classification (regulation 4).

Section 83 of the Water Resources Act 1991 provides for the establishment of water quality objectives by means of the Secretary of State serving a notice on the Environment Agency. That section is modified so that—

- (a) the Secretary of state is placed under a duty immediately to classify under the Regulations all inland freshwaters, coastal waters and relevant territorial water; and
- (b) subsections (3) to (6) (reviews and consultation requirements) are disapplied (regulation 5).

⁽¹⁾ O.J. 1976 No. L 129, p.32.