

STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

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

**PART 2
GENERAL**

Identification of bathing waters

- [^{F1}3.—(1) The Department shall identify all bathing waters in Northern Ireland on an annual basis.
(2) The Department shall list in Schedule 1 the bathing waters identified in paragraph (1).
(3) The Department shall publish the following information on an annual basis and in accordance with paragraph (4)—
(a) a complete list of all bathing waters identified in paragraph (1);
(b) details of all surface waters at which permanent advice against bathing has been issued (and not withdrawn) under regulation 14, including in relation to each surface water, the reasons for that advice.
(4) The information to be published under paragraph (3) shall be actively disseminated before the start of the bathing season using appropriate media and technologies including the internet, and in such languages as appropriate.]

F1 [Reg. 3](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, 5

Commencement Information

I1 [Reg. 3](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Length of bathing season

- 4.** For the purposes of these Regulations, the bathing season begins on the 1st June and ends at the end of the day on 15th September in each year.

Commencement Information

I2 [Reg. 4](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

General duties

- 5.—(1)** The Department shall in the exercise of its relevant functions—

- (a) ensure that by the end of the bathing season in 2015, all bathing waters are classified under regulation 12 as at least “sufficient”;
 - (b) take such realistic and proportionate measures as it considers appropriate in order to increase the number of bathing waters classified under regulation 12 as “good” or “excellent”; and
 - (c) otherwise ensure compliance with the requirements of the Bathing Water Directive.
- (2) In this regulation “relevant functions” means functions under these Regulations and so far as relevant the enactments specified in Schedule 2 to the Water Framework Regulations.
- (3) In the Water Framework Regulations, in Schedule 2 (relevant functions), in Part 2, after paragraph 26 insert—
- “27. The Quality of Bathing Water Regulations (Northern Ireland)2008.”.*
- (4) The Department shall promptly provide a bathing water operator with such information as the Department considers the operator requires for the purpose of the operator’s functions under these Regulations.
- [^{F2}(5) For the purposes of this regulation, the Bathing Water Directive is to be read as if—
- (a) in Article 2(13), the reference to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment were a reference to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ;
 - (b) the following provisions were omitted—
 - (i) Article 3(8);
 - (ii) in Article 3(9), the final sentence;
 - (iii) in Article 4(2), in the second subparagraph, the second and third sentences;
 - (c) in Article 6(3), the reference to Directive [2000/60/EC](#) were a reference to Article 8 of that Directive;
 - (d) the following provisions were omitted—
 - (i) Article 13;
 - (ii) Article 14;
 - (iii) Article 18;
 - (e) in Annex 3, in paragraph 1(a), the reference to Directive [2000/60/EC](#) were omitted.
- (6) For the purposes of paragraph (5)(c), Article 8 of Directive [2000/60/EC](#) is to be read as if—
- (a) in paragraph 1, the final indent were omitted;
 - (b) in paragraph 2—
 - (i) the first sentence were omitted;
 - (ii) the reference in the second sentence to Annex 5 to Directive [2000/60/EC](#) were a reference to that Annex as modified by paragraph 16 of Schedule 5 to the Water Framework Regulations;
 - (c) paragraph 3 were omitted.]

F2 [Reg. 5\(5\)\(6\)](#) inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I3 [Reg. 5](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Public participation

6.—(1) The Department shall—

- (a) encourage public participation in the exercise of its functions under these Regulations; and
- (b) ensure that the public has an opportunity—
 - (i) to find out how to participate; and
 - (ii) to submit comments or complaints.

(2) The Department shall take due account of any information it has obtained from the public when exercising its functions under these Regulations.

Commencement Information

I4 [Reg. 6](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Bathing water profiles

7.—^{F3}(1) The Department shall, in relation to every bathing water, in accordance with Schedule 2—

- (a) if it has not already done so, establish a bathing water profile before the start of the bathing season; and
- (b) keep every bathing water profile under review.]

(2) The Department may combine the bathing water profiles of contiguous bathing waters.

(3) When complying with paragraph (1), the Department shall take into account the data which it has obtained or analysed under—

- (a) The Quality of Bathing Water Regulations (Northern Ireland) 1993⁽¹⁾; and
- (b) The Water Framework Regulations.

F3 [Reg. 7\(1\)](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, 6

Commencement Information

I5 [Reg. 7](#) in operation at 24.3.2011, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Quality of Bathing Water Regulations (Northern Ireland) 2008, PART 2.