
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

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

PART 4

BATHING WATER ASSESSMENT AND CLASSIFICATION

Assessment

- 11.**—(1) At the end of every bathing season, for every bathing water, the Department shall—
- (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) In this regulation, the “relevant assessment period” is—
- (a) the immediately preceding three bathing seasons;
 - (b) the immediately preceding two bathing seasons, where the Department so decides in accordance with paragraph (3); or
 - (c) the number of immediately preceding bathing seasons, being less than three, that the Department so decides in accordance with paragraph (4).
- (3) The Department may make a decision under paragraph (2)(b) where—
- (a) it is at least five years since the last change in the relevant assessment period; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (4) The Department may make a decision under paragraph 2(c) where—
- (a) it considers that any factors identified in the bathing water profile as likely to affect the classification of the bathing water under regulation 12 have changed, and the set of bathing water quality data used is based only on samples taken since those factors have changed; and
 - (b) the set of bathing water quality data is based on at least 16 samples.
- (5) The Department may—
- (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 light of those assessments where those bathing waters—
 - (i) are contiguous;
 - (ii) have received similar assessments for the preceding four years; and
 - (iii) have bathing water profiles which identify common pollution risk factors or the absence thereof.

Classification

12.—(1) At the end of every bathing season, on the basis of the assessment made under regulation 11 the Department shall classify every bathing water as “poor”, “sufficient”, “good” or “excellent” in accordance with Schedule 4.

(2) The Department shall issue permanent advice against bathing at a bathing water (which advice shall also be directly communicated to the bathing water operator) if—

- (a) the bathing water is classified as “poor” for five consecutive years; or
- (b) after consultation with such other persons as it thinks fit it considers that the achievement of a “sufficient” quality classification at that bathing water would be infeasible or disproportionately expensive.