

STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

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

PART 5

MANAGEMENT OF BATHING WATERS

Management measures at bathing waters subject to pollution incidents

13.—(1) This regulation applies where the Department or a bathing water operator is aware of—

- (a) a cyanobacterial proliferation which it considers may pose a risk to bathers' health;
- (b) a proliferation of macro-algae or marine phytoplankton which it considers is unacceptable or may pose a risk to bathers' health;
- (c) the presence of waste, including tarry residues, glass, plastic, or rubber; or
- (d) any other incident, other than an incident of short-term pollution to which regulation 15 applies, that it considers may pose a risk to bathing water quality and bathers' health.

[^{F1}(2) The Department shall promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(a), immediately—

- (a) consult the bathing water operator; and
- (b) use appropriate media and technologies to actively and promptly disseminate information to the public in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of understanding and take such other Departmental management measures as it considers appropriate to prevent exposing bathers to identified or presumed health risks.]

(3) [^{F2} The bathing water operator shall promptly or, in the case of a cyanobacterial proliferation under paragraph (1)(a), immediately] —

- (a) consult the Department;
- [^{F3}(b) ensure that appropriate information is actively disseminated and promptly made available to the public during the bathing season in an easily accessible place in the near vicinity of the bathing water, and take such operator management measures there as it considers appropriate to prevent exposing bathers to identified or presumed health risks; and]
- (c) where necessary, remove the waste.

F1 Reg. 13(2) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(a)**

F2 Words in reg. 13(3) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(b)(i)**

F3 Reg. 13(3)(b) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **10(b)(ii)**

Commencement Information

II Reg. 13 in operation at 24.3.2012, see [reg. 1\(4\)](#)

Additional management measures at “poor” bathing waters

- [^{F4}14.—(1) Where the Department classifies a bathing water as “poor” under regulation 12—
- (a) the Department shall, during the bathing season following this classification—
 - (i) take, or cause to be taken, such Departmental management measures at the bathing water as it considers adequate with a view to preventing bathers’ exposure to pollution;
 - (ii) take, or cause to be taken, such Departmental management measures or other adequate measures at the bathing water so as to prevent, reduce or eliminate (as appropriate) the causes of pollution;
 - (iii) notify the bathing water operator; and
 - (iv) identify the reasons why the bathing water failed to achieve a classification of “sufficient”; and
 - (b) the bathing water operator shall—
 - (i) take such operator management measures that it considers adequate with a view to preventing bathers’ exposure to pollution; and
 - (ii) introduce advice against bathing there by means of public information under regulation 9.
- (2) The Department shall issue permanent advice against bathing where—
- (a) the Department has classified the bathing water as “poor” under regulation 12 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.
- (3) Where permanent advice against bathing has been issued in relation to a bathing water, the Department shall—
- (a) notify the bathing water operator that permanent advice against bathing has been issued in relation to a bathing water in its area, giving reasons; and
 - (b) use appropriate media and technologies including the internet to actively and promptly disseminate all the following information, in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of understanding, namely—
 - (i) that permanent advice against bathing has been introduced there;
 - (ii) the fact that the area concerned is no longer a bathing water; and
 - (iii) the reasons for its declassification.
- (4) Where a bathing water operator has received notification that permanent advice against bathing has been issued in relation to a bathing water, that bathing water operator shall promptly and actively ensure that the following information is available in an easily accessible place in the near vicinity of the bathing water during the bathing season—
- (a) that permanent advice against bathing has been introduced there, represented by a symbol in accordance with Part 1 of the Annex to the Decision;
 - (b) the area concerned is no longer a bathing water; and

(c) the reasons for the declassification.]

F4 [Reg. 14](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **11**

Commencement Information

I2 [Reg. 14](#) in operation at 24.3.2015, see [reg. 1\(5\)](#)

Additional management measures at bathing waters likely to be subject to incidents of short-term pollution

[^{F5}**15.** Where a bathing water is subject to or likely to be subject to short-term pollution—

- (a) the Department shall operate, or cause to be operated, the relevant procedures for short-term pollution for which it is responsible; and
- (b) the bathing water operator shall take the operator management measures which form part of the relevant procedures for short-term pollution there.]

F5 [Reg. 15](#) substituted (26.6.2013) by [The Quality of Bathing Water \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/151\)](#), regs. 1, **12**

Commencement Information

I3 [Reg. 15](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Quality of Bathing Water Regulations (Northern Ireland) 2008, PART 5.