

STATUTORY RULES OF NORTHERN IRELAND

2008 No. 231

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

PART 6

GENERAL PROVISIONS

[^{F1}Annual reports

15A.—(1) Subject to paragraph (2), the Department must prepare and publish, by 30th April each calendar year, a report on the bathing water season in the previous year.

(2) The first report under this regulation must be published by 30th April 2020.

(3) A report must—

(a) be published in such manner as the Department considers appropriate;

(b) contain the following information for a bathing water—

(i) the results of monitoring carried out under regulation 8;

(ii) the results of bathing water quality assessments carried out under regulation 11;

(iii) a description of any significant management measures taken.]

F1 Reg. 15A inserted (31.12.2020) by [The Water \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/112\)](#), regs. 1(1), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Notice requiring bathing water operator to comply with the Regulations

16.—(1) If the Department becomes aware that a bathing water operator has failed in its duties under these Regulations, the Department may —

(a) by notice given to the bathing water operator specify—

(i) the measures which shall be taken by it to comply with these Regulations; and

(ii) the time within which those measures shall be taken.

(2) Before serving a notice under paragraph (1) on a bathing water operator, the Department shall reasonably endeavour to consult that operator concerning the measures which are to be specified in the notice.

(3) A notice under paragraph (1) shall not be regarded as invalid or invalidly served by reason only of a failure to comply with paragraph (2).

(4) A bathing water operator upon whom a notice under paragraph (1) is served, may, within the period of 21 days beginning with the day on which the notice is served, appeal against the notice to the Water Appeals Commission.

(5) Where—

- (a) a notice under paragraph (1) is varied or quashed on appeal; and
 - (b) the bathing water operator has complied with the notice,
- the Department shall pay to the bathing water operator an amount equal to the loss suffered, or expenditure incurred, by that operator in complying with the notice.
- (6) Any dispute under regulation (5) as to the loss suffered or expenditure incurred shall be determined by the Lands Tribunal.

Commencement Information

I1 [Reg. 16](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Consequences of not complying with a notice under regulation 16

- 17.** If a bathing water operator upon whom a notice is served under regulation 16 fails to comply with any of the requirements of the notice, the Department may—
- (a) do what the bathing water operator was required to do and may recover from the bathing water operator any costs or expenses reasonably incurred by the Department in doing it; or
 - (b) take proceedings in the High Court requiring the bathing water operator to comply with the notice.

Commencement Information

I2 [Reg. 17](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Enforcement powers

18. Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (1) applies to the exercise by the Department of its functions under these Regulations as it applies to the exercise of its functions under the pollution control statutory provisions referred to in that Article.

Commencement Information

I3 [Reg. 18](#) in operation at 24.3.2012, see [reg. 1\(4\)](#)

Power to obtain information

19.—(1) The Department may serve on any person a notice requiring that person to furnish it, within a period of time specified in the notice and in a form and manner so specified, with such information as is reasonably required by the Department for the purpose of carrying out any of its functions under these Regulations.

(2) A person who fails without reasonable excuse to comply with the requirements of a notice served on him under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Commencement Information

I4 [Reg. 19](#) in operation at 30.6.2008, see [reg. 1\(2\)](#)

Co-operation on transboundary waters

20.—(1) Where a river basin gives rise to transboundary impacts on bathing water quality, the Department shall notify the competent authorities in the Republic of Ireland of the relevant facts.

(2) The Department, in consultation with the competent authorities in the Republic of Ireland, shall organise the concertation necessary to identify the sources in question and the measures to be taken to protect the waters that are affected.

Commencement Information

I5 [Reg. 20](#) 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 6.