
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 170

The Bathing Waters (Scotland) Regulations 2008

PART 4

PUBLIC INFORMATION

Public information

8.—(1) The relevant local authority must ensure that the following information about a bathing water is [^{F1}promptly made available] during the bathing season on a publicly accessible sign (or signs if necessary) erected on land where such sign or signs are likely to be noticed by the public as they access the bathing water:—

- (a) the bathing water's current classification pursuant to regulation 10;
 - [^{F2}(b) where there is a bathing prohibition or advice against bathing—
 - (i) an indication of such in the form of the appropriate symbol contained in Part 1 of the Annex to Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive [2006/7/EC](#) of the European Parliament and of the Council, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing (“the Commission Decision”); and
 - (ii) the reasons for the bathing prohibition or advice against bathing;]
 - (c) a general description of the bathing water in non-technical language, based on its bathing water profile;
 - (d) where [^{F3}SEPA considers] that the bathing water is likely to be affected by incidents of short-term pollution—
 - (i) an indication of such; and
 - (ii) an indication of the number of days for which advice against bathing was introduced or a prohibition on bathing was imposed during the immediately preceding bathing season because of short-term pollution;
 - (e) where a bathing prohibition has been introduced for whatever reason (and SEPA has advised the relevant local authority of this) the management measures being undertaken to prevent, reduce, or eliminate the causes of pollution that have led to the prohibition; and
 - (f) an indication of the sources of more complete information published in accordance with paragraph (8).
- (2) In deciding the location of any sign or signs in compliance with paragraph (1), a local authority must consult with SEPA.
- [^{F4}(3) The sign referred to in paragraph (1) must—
- (a) be designed in such a way as to allow the additional SEPA information referred to in paragraph (5) to be affixed to it or displayed; and
 - (b) indicate the bathing water's current classification under regulation 10 in the form of the appropriate symbol contained in Part 2 of the Annex to the Commission Decision.]

(4) SEPA must ensure that the additional SEPA information is notified to the relevant local authority as soon as possible upon SEPA becoming aware of it.

(5) The additional SEPA information is–

- (a) whether any advice against bathing there has been introduced, and if so, why;
- (b) a warning whenever short-term pollution is predicted or is occurring (unless such notification is already made available through a SEPA controlled sign at the bathing water) and the cause of the predicted or actual pollution;
- (c) that an abnormal situation has occurred together with information as to its nature and expected duration; and
- (d) where advice regarding short-term pollution has been issued, or advice against bathing has been introduced for whatever reason, the management measures being undertaken to prevent, reduce, or eliminate the cause of the pollution or to lead to the withdrawal of the advice.

(6) A local authority must ensure that the additional SEPA information is displayed at the sign referred to in (1) as soon as possible upon becoming aware of that information.

(7) The obligations in paragraph (6) do not apply in so far as the additional SEPA information is already displayed on a SEPA controlled sign at the bathing water.

(8) SEPA must, in relation to each bathing water, [^{F5}promptly and actively disseminate the following information]–

- (a) the information referred to in paragraph (1);
- (b) the information referred to in paragraph (5);
- (c) the information referred to in paragraph (9);
- (d) before the start of every bathing season, the bathing water's classification in accordance with regulation 10 over the last 3 years;
- (e) the current bathing water profile;
- (f) as soon as possible after the completion of the analysis under Schedule 2, the results of the monitoring carried out in accordance with regulation 7 since the beginning of the current bathing season;
- (g) where [^{F6}SEPA considers] that the bathing water is likely to be affected by incidents of short-term pollution, general information on–
 - (i) the conditions likely to cause short-term pollution;
 - (ii) the likelihood of short-term pollution and its possible duration; and
 - (iii) the causes of short-term pollution and management measures taken with respect to it; and
- (h) where the bathing water is classified as “poor” under regulation 10, information as to–
 - (i) the causes of pollution there; and
 - (ii) the management measures being taken there under regulation 11.

(9) Where permanent advice against bathing has been issued in relation to a bathing water (and has not been withdrawn), that water is a former bathing water and the relevant local authority must ensure that the following information is available on a sign (or signs if necessary) in an easily accessible place in what was the vicinity of the bathing water, during those parts of the year which formerly constituted the bathing season–

- (a) the former bathing water is no longer a bathing water;
- (b) an indication that permanent advice against bathing has been issued; and

(c) the reasons for this.

(10) In addition to its obligations under regulations 11 to 16, SEPA must ensure that it provides all information referred to in paragraphs (1), (5) and (9) to the relevant local authority as soon as it becomes aware of it.

(11) SEPA may make use of such additional media as appropriate to publicise all or part of the information referred to in paragraph (5).

(12) Public information under these Regulations must—

- (a) wherever possible, be provided using maps;
- (b) be presented in a clear and coherent manner; and
- (c) where it is information required by paragraph (8)(d) to (h), be in such languages in addition to English as are appropriate, having regard to the location of the bathing water and ease of public understanding.

(13) When complying with its obligations under paragraphs (1), (6) and (9) a local authority must—

- (a) notify the owner of the land upon which it intends to erect a sign; or
- (b) where a sign is already situated on land, notify the owner of the land that it intends to carry out planned maintenance of that sign (where maintenance is the repair and upkeep of the sign to ensure continued availability of the information that must be displayed upon it).

(14) The notification referred to in paragraph (13) must give reasonable notice to the owner of the land and, in the case of a notification under sub-paragraph (a), must identify the general area where the sign is to be located.

(15) Where SEPA erects a SEPA controlled sign in the vicinity of a bathing water, paragraphs (13) and (14) apply to SEPA as they apply to a local authority.

(16) A local authority may enter onto any land for the purpose of exercising its functions under paragraph (1), (6) or (9).

(17) SEPA may enter onto any land for the purpose of erecting a SEPA controlled sign.

(18) Where a public body is a relevant owner in relation to a bathing water, the relevant local authority may enter into an agreement with that body for the body to erect, maintain and update as necessary any sign required by this regulation in relation to that water.

(19) Upon being notified of an agreement under paragraph (18) SEPA must supply information required by this regulation to both parties to the agreement.

Textual Amendments

- F1** Words in [reg. 8\(1\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(a\)](#)
- F2** [Reg. 8\(1\)\(b\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(b\)](#)
- F3** Words in [reg. 8\(1\)\(d\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(c\)](#)
- F4** [Reg. 8\(3\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(d\)](#)
- F5** Words in [reg. 8\(8\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(e\)](#)
- F6** Words in [reg. 8\(8\)\(g\)](#) substituted (2.10.2012) by [The Bathing Waters \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/243\)](#), [regs. 1, 2\(3\)\(f\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Bathing Waters (Scotland) Regulations 2008, PART 4.