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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 243**

**The Bathing Waters (Scotland) Amendment Regulations 2012**

**Amendment of the Bathing Waters (Scotland) Regulations 2008**

2.—(1) The Bathing Waters (Scotland) Regulations 2008(1) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation) in the definition of “short-term pollution” for “does not normally” to the end substitute—

“—

- (a) has identified the causes of the contamination; and
- (b) does not normally expect the contamination to affect bathing water quality for more than 72 hours from when the bathing water is first affected”

(3) In regulation 8 (public information)—

- (a) in paragraph (1) for “available” substitute “promptly made available”;
- (b) for paragraph (1)(b) substitute—

“**(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(2) (“the Commission Decision”); and

(ii) the reasons for the bathing prohibition or advice against bathing;”;

(c) in paragraph (1)(d) for “its bathing water profile indicates” substitute “SEPA considers”;

(d) for paragraph (3) substitute—

“(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.”;

(e) in paragraph (8) for “publish the following information on its website” substitute “promptly and actively disseminate the following information”; and

(f) in paragraph (8)(g) for “its bathing water profile indicates” substitute “SEPA considers”.

(4) In regulation 11 (management measures for “poor” bathing waters)—

- (a) in paragraph (2) after “must” insert “, with effect from the bathing season following the classification,”;

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(1) S.S.I. 2008/170.

(2) OJ L 143, 31.5.2011, p.38.

- (b) at the end of paragraph (2) insert—
    - “; and
    - (c) identify the reasons why the bathing water failed to achieve a classification of “sufficient”;
  - (c) in paragraph (4) for “the bathing water” to the end substitute “the causes of pollution at the bathing water are prevented, reduced or eliminated”; and
  - (d) in paragraph (5) for “achieve sufficient, good, or excellent classification for” substitute “prevent, reduce or eliminate the causes of pollution at”.
- (5) For regulation 12 (management measures at bathing waters subject to short-term pollution) substitute—

**“Management measures at bathing waters subject to short-term pollution**

- 12.** Where short-term pollution is predicted or present at a bathing water, SEPA must—
- (a) take such action as it considers necessary, whether under regulations relating to any controlled activity or under any other functions, to ensure that the short-term pollution is prevented, reduced or eliminated; and
  - (b) take adequate measures, including surveillance, early warning systems and monitoring, with a view to a warning or bathing prohibition being issued, if necessary.”.