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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Floods and Water (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

Amendment of secondary legislation

**The Bathing Water Regulations 2013**

**15.**—(1) The Bathing Water Regulations 2013(1) are amended as follows.

(2) In regulation 2, at the end insert—

“(4) For the purposes of these Regulations, a reference to an EU Directive is to be read as if any reference in that Directive to one or more member States in a provision imposing an obligation on, or conferring a discretion on, a member State or member States were a reference to the appropriate Minister, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation, or able to exercise that discretion, in respect of England or Wales.”.

(3) In regulation 3(7), for “giving effect to the Bathing Water Directive” substitute “these Regulations”.

(4) In regulation 5—

(a) in paragraph (1)(c), for “requirements” substitute “provisions”;

(b) at the end insert—

“(4) For the purposes of this regulation, the Bathing Water Directive is to be read as if—

(a) in Article 2(13), the reference to Council [Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment were a reference to Council [Directive 2011/92/EU](#) on the assessment of the effects of certain public and private projects on the environment(2);

(b) the following provisions were omitted—

(i) Article 3(8);

(ii) in Article 3(9), the final sentence;

(iii) in Article 4(2), in the second subparagraph, the second and third sentences;

(c) in Article 6(3), the reference to Council [Directive 2000/60/EC](#) were a reference to Article 8 of that Directive;

(d) the following provisions were omitted—

(i) Article 13;

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(1) [S.I. 2013/1675](#), relevant amending instruments are [S.I. 2017/407](#), [2018/575](#).

(2) OJ No L 26, 28.1.2012, p 1, as last amended by [Directive 2014/52/EU](#) (OJ No L 124, 25.4.2014, p 1).

- (ii) Article 14;
- (iii) Article 18;
- (e) in Annex 3, in paragraph 1(a), the reference to Council [Directive 2000/60/EC](#) were omitted.
- (5) For the purposes of paragraph (4)(c), Article 8 of Council [Directive 2000/60/EC](#) is to be read as if—
  - (a) in paragraph 1, in the final indent, the reference to Community legislation were a reference to retained EU law;
  - (b) in paragraph 2, the reference in the second sentence to Annex 5 to Council [Directive 2000/60/EC](#) were a reference to that Annex as modified by Part 1 of Schedule 5 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(3).”.
- (5) In Part 6, before regulation 16 insert—

**“Annual reports**

- 15A.**—(1) Subject to paragraph (2), the appropriate Minister 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 appropriate Minister considers appropriate;
    - (b) contain the following information for a bathing water—
      - (i) the results of monitoring carried out under regulation 8;
      - (ii) the reasons for any suspension of the monitoring calendar notified by the appropriate agency under regulation 8(6);
      - (iii) the results of bathing water quality assessments carried out under regulation 10;
      - (iv) a description of any significant management measures taken.”.
  - (6) In regulation 16(6), for “giving effect to the Bathing Water Directive” substitute “these Regulations”.
  - (7) In regulation 17, for “the Bathing Water Directive” substitute “these Regulations”.

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(3) Regulation 20 of these Regulations inserts Schedule 5 into the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.