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STATUTORY INSTRUMENTS

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**2003 No. 1053**

**WATER RESOURCES, ENGLAND AND WALES**

**The Surface Waters (Fishlife) (Classification)  
(Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>2nd April 2003</i>
<i>Laid before Parliament</i>		<i>8th April 2003</i>
<i>Coming into force</i>	- -	<i>12th May 2003</i>

The Secretary of State as respects England and, with the agreement of the National Assembly for Wales, as respects those parts of Wales within the catchment areas of the rivers Dee, Wye and Severn, and the National Assembly for Wales as respects the remainder of Wales, in exercise of the powers conferred by sections 82 and 219(2) of the Water Resources Act 1991<sup>(1)</sup> and now vested in them<sup>(2)</sup>, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Surface Waters (Fishlife) (Classification) (Amendment) Regulations 2003 and shall come into force on 12th May 2003.

**Amendment of the Surface Waters (Fishlife) (Classification) Regulations 1997**

2. For regulation 4(5) of the Surface Waters (Fishlife) (Classification) Regulations 1997<sup>(3)</sup> there is substituted—

“(5) Where the Environment Agency’s records show that the quality of any waters classified under these Regulations is appreciably higher for any parameter than the minimum required by these Regulations for waters of that class—

- (a) the Agency may decide that the frequency of sampling may be reduced for that parameter; and
- (b) if there is no pollution or risk of deterioration in the quality of those waters, the Agency may decide that no sampling for that parameter is necessary.”

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<sup>(1)</sup> 1991 c. 57.

<sup>(2)</sup> By the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), article 5 and Schedule 2, the functions of the Secretary of State under section 82 of the Water Resources Act 1991 are exercisable in relation to those parts of Wales which are within the catchment areas of the rivers Dee, Wye and Severn only with the agreement of the National Assembly for Wales. The powers of the Secretary of State under sections 82 and 219(2) in respect of the remainder of Wales were transferred to the National Assembly for Wales by the 1999 Order, article 2 and Schedule 1.

<sup>(3)</sup> S.I. 1997/1331.

Signed on behalf of the National Assembly for Wales

1st April 2003

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

Signed by authority of the Secretary of State

2nd April 2003

*Elliot Morley*  
Parliamentary Under-Secretary of State,  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Surface Waters (Fishlife) (Classification) Regulations 1997 (“the principal Regulations”).

Regulation 4 of the principal Regulations allows for the sampling of waters classified under those Regulations to be reduced in frequency or dispensed with in certain circumstances. Regulation 2 of these Regulations clarifies that regulation by setting out the circumstances in which sampling may be reduced or dispensed with. Should those circumstances change, the decision to reduce or discontinue sampling must be revisited.

These Regulations, together with the principal Regulations and the Surface Waters (Fishlife) Directions 1997 (as amended by the Surface Waters (Fishlife) (Amendment) Directions 2003), transpose Directive [78/659/EEC](#) (OJNo. L222, 14.08.78, p. 1) on the quality of fresh waters needing protection and improvement in order to support fish life in relation to England and Wales. Copies of the Directions referred to above may be obtained from the Water Quality Division, Department for Environment, Food and Rural Affairs, Zone 3/G17, Ashdown House, 123 Victoria Street, London SW1E 6DE and the Environmental Protection Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.