

STATUTORY INSTRUMENTS

2013 No. 1675

The Bathing Water Regulations 2013

PART 6

FINAL PROVISIONS

Amendment of the Bathing Waters (Classification) Regulations 1991 and transitional provision

18.—(1) In the Bathing Waters (Classification) Regulations 1991 ^{M1}, in regulation 2(4), for the words from “Schedule 3” to the end substitute “ Schedule 4 to the Bathing Water Regulations 2013. ”

(2) Every notice served, or deemed to have been served, on the appropriate agency under section 83 of the Water Resources Act 1991 ^{M2}(water quality objectives) in relation to classification BW1, and every notice which has effect as if so served, has effect subject to the transitional provision in paragraph (1).

(3) The National Rivers Authority (Bathing Waters) Directions 1992 ^{M3} have effect as if—

(a) the only entries in the Annex to Council Directive [76/160/EEC](#) concerning the quality of bathing water ^{M4} were intestinal enterococci or *Escherichia coli*; and

(b) conformity with the values which appear in column G of that Annex were met where—

(i) at least 90% of samples of waters taken and tested in accordance with these Regulations for intestinal enterococci meet the parametric value of 100 per 100 millilitres; and

(ii) at least 80% of samples of waters taken and tested in accordance with these Regulations for *Escherichia coli* meet the parametric value of 100 per 100 millilitres.

(4) Until the appropriate agency classifies a bathing water under regulation 11, for the purposes of regulation 9, the appropriate agency must, subject to the transitional provision in this regulation, classify the bathing water by reference to whether it conforms to the values in column I or G of the Annex to Council Directive [76/160/EEC](#).

Marginal Citations

M1 [S.I. 1991/1597](#), as amended by [S.I. 2008/1097](#). The Bathing Water (Classification) Regulations 1991 will be revoked by paragraph (2) of regulation 19 when that paragraph comes into force.

M2 [1991 c.57](#), as amended by [S.I. 2013/755](#) (W. 90).

M3 Copies are available from the Department for Environment, Food and Rural Affairs, Bathing Waters Team, Area 3D Nobel House, 17 Smith Square, London SW1P 3JR. By virtue of section 2(1)(a)(ii) of the [Environment Act 1995 \(c. 25\)](#), the National Rivers Authority's functions under or by virtue of [Part III of the Water Resources Act 1991 \(c. 57\)](#) in respect of the control of pollution of water resources in England and Wales were transferred to the Environment Agency. The National Rivers Authority (Bathing Waters) Directions 1992 (“the Direction”) deal with the exercise of functions under that Part. Section 55(3),(4)(d) and (6) of the Environment Act 1995 have the effect that the Direction applies as

if given to the Environment Agency. In relation to Wales, the Environment Agency's functions under the relevant provisions of Part III of the Water Resources Act 1991 were subsequently transferred to the Natural Resources Body for Wales by virtue of article 4(1) of, and paragraphs 272 to 274 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 ([W.S.I. 2013/755](#) (W. 90)). Article 10 of, and paragraphs 2(3) and (4) of Schedule 7 to, that Order have the effect that, in relation to Wales, the Direction applies as if given to the Natural Resources Body for Wales.

M4 OJ No L 31, 5.2.1976, p.1, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p.1).

Changes to legislation:

There are currently no known outstanding effects for the The Bathing Water Regulations 2013, Section 18.