
STATUTORY INSTRUMENTS

2013 No. 1675

The Bathing Water Regulations 2013

PART 1

GENERAL PROVISIONS

Interpretation

2.—(1) In these Regulations—

“abnormal situation” means an event or combination of events impacting on bathing water quality which the appropriate agency would not expect to occur, on average, more than once every four years;

“the appropriate agency” means—

- (a) in relation to surface waters in England, the Environment Agency;
- (b) in relation to surface waters in Wales, the Natural Resources Body for Wales;

“appropriate agency management measures” means any measures taken by the appropriate agency in relation to a bathing water—

- (a) to identify and assess the causes of pollution that might, in the particular circumstances of each case, affect bathing waters and impair bathers' health;
- (b) to reduce the risk of pollution (being measures within the appropriate agency's relevant functions referred to in regulation 5);
- (c) to issue advice against bathing; or
- (d) under regulations 7 to 11;

“the appropriate Minister” means—

- (a) in relation to surface waters in England, the Secretary of State;
- (b) in relation to surface waters in Wales, the Welsh Ministers;

“bathing season” means the period specified in regulation 4;

“a bathing water” means an area of surface water identified under regulation 3^{F1}... , at which permanent advice against bathing is not currently in place under regulation 13;

“the Bathing Water Directive” means Directive [2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive [76/160/EEC](#)^{M1};

“bathing water profile” means a profile established under regulation 7;

“cyanobacterial proliferation” means an accumulation of cyanobacteria including in the form of a bloom, mat or scum;

“the Decision” means the 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^{M2};

“England” includes the territorial sea adjacent to England and not forming any part of Wales;

“local authority” means—

- (a) in England, the council of any district, parish or town, the unitary authority of a place in which there are no districts, the council of a London borough, the Common Council of the City of London or the Council of the Isles of Scilly; or
- (b) in Wales, the council of a county or county borough;

“local authority management measures” means measures taken by a local authority in relation to a bathing water which it controls—

- (a) to give information to the public; or
- (b) to prevent, by means of public information (including issuing an advice against bathing), bathers' exposure to pollution;

“management measures” means appropriate agency management measures or local authority management measures;

“permanent advice against bathing” means advice issued, in relation to at least one whole bathing season, under regulation 13;

“pollution” means contamination which affects bathing water quality and presents a risk to bathers' health from any of the following—

- (a) intestinal enterococci or *Escherichia coli*;
- (b) cyanobacterial proliferation;
- (c) a proliferation of macro-algae or marine phytoplankton;
- (d) waste, including tarry residues, glass, plastic or rubber;

“relevant land” is land which is—

- (a) normally used to access a bathing water from the landward side, and
- (b) immediately adjacent to that bathing water or, where the bathing water is tidal, immediately above the high water mark;

“relevant procedures for short-term pollution” means—

- (a) in relation to the appropriate agency, any measures, including appropriate agency management measures, to prevent reduce or eliminate the causes of pollution and may include surveillance, early warning systems or monitoring with a view to preventing bathers' exposure to pollution by means of a warning, or, where necessary, an advice against bathing; and
- (b) in relation to a local authority, any measures, including local authority management measures, to notify the public that the bathing water is affected by short-term pollution;

“set of bathing water quality data” means data obtained from results of samples taken under Part 1 of Schedule 4;

“short-term pollution” means contamination by intestinal enterococci or *Escherichia coli* where the appropriate agency—

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

“Wales” has the meaning given by section 158 of the Government of Wales Act 2006^{M3};

(2) In these Regulations, “coastal water”, “groundwater”, “inland water”, “lake”, “river”, “surface water” and “transitional waters” have the same meaning as in Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy [F2, as last amended by Commission Directive 2014/101/EU], and are listed in Schedule 1 to these Regulations.

(3) For the purposes of these Regulations, a local authority controls a bathing water if the relevant land relating to that bathing water is located within its area.

[F3(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.]

Textual Amendments

- F1** Words in reg. 2(1) omitted (29.3.2019) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.I. 2019/526\)](#), regs. 1(2), **4(2)**
- F2** Words in reg. 2(2) inserted (E.) (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), regs. 1(2), **9** and (W.) (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **12**
- F3** Reg. 2(4) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **15(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ No L 64, 4.3.2006, p.37, as amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p.14).
- M2** OJ No L 143, 31.5.2011, p.38.
- M3** [2006 c.32](#).

Changes to legislation:

There are currently no known outstanding effects for the The Bathing Water Regulations 2013, Section 2.