

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2008 No. 170**

**The Bathing Waters (Scotland) Regulations 2008**

**PART 6**

**MANAGEMENT OF BATHING WATERS**

**Management measures at bathing waters affected by cyanobacterial proliferation**

**14.**—(1) Where an interested party is aware of a cyanobacterial proliferation in relation to a bathing water which would reasonably be considered to pose a risk to bathers' health, that party must notify the other interested parties and the relevant health board.

(2) Upon becoming aware of a cyanobacterial proliferation which would reasonably be considered to pose a risk to bathers' health, the relevant local authority must—

- (a) promptly update any sign erected by it under regulation 8 and erect further signs (and thereafter maintain them) for the duration of the cyanobacterial proliferation in such areas of the bathing water as are necessary to advise bathers of the presence of the proliferation and against bathing; and
- (b) thereafter consult with the other interested parties, the relevant health board and the person with proprietorial interest in the bathing water as to whether to take action and what action to take, to remove or reduce the cyanobacterial proliferation having regard to—
  - (i) the likely duration of the cyanobacterial proliferation;
  - (ii) the extent of the cyanobacterial proliferation and the likelihood of it increasing; and
  - (iii) the present and continuing efficacy of the signs erected under sub-paragraph (a) in deterring bathing.

(3) The relevant local authority may—

- (a) after consulting under paragraph (2)(b) and having regard to the views expressed, take such action (including the removal of materials) to remove or reduce such cyanobacterial proliferation as is reasonably necessary to remedy or mitigate the risk to bathers' health;
- (b) enter onto land as necessary in the discharge of its duties under paragraph (2)(a);
- (c) enter onto land (upon the provision of 7 days' notice in writing to the landowner) as necessary in the exercise of its functions under sub-paragraph (a).

(4) In addition to any action taken by the local authority under paragraph (3) SEPA must take such action as it considers necessary, whether under regulations relating to any controlled activity or under any other functions, to ensure that the cyanobacterial proliferation is prevented, reduced or eliminated.