
STATUTORY INSTRUMENTS

2003 No. 1238

WATER RESOURCES, ENGLAND

The Bathing Waters (Classification) (England) Regulations 2003

<i>Made</i>	- - - -	<i>4th May 2003</i>
<i>Laid before Parliament</i>		<i>7th May 2003</i>
<i>Coming into force</i>	- -	<i>1st June 2003</i>

The Secretary of State, in exercise of her powers under sections 82, 102 and 219(2) of the Water Resources Act 1991(1), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bathing Waters (Classification) (England) Regulations 2003 and shall come into force on 1st June 2003.

Modification of provisions of the Water Resources Act 1991 and the Bathing Waters (Classification) Regulations 1991

2.—(1) Section 104(1) of the Water Resources Act 1991 (meaning of “controlled waters”) shall have effect in relation to England—

- (a) for the purposes of Chapter I of Part III of that Act (classification of quality of waters) as if “inland freshwaters” included any lake or pond (other than a relevant lake or pond) which needs to be classified in order to give effect to Council Directive 76/160(2);
- (b) for all other purposes, as if “inland freshwaters” included any such lake or pond which has been so classified under that Chapter.

(2) The Bathing Waters (Classification) Regulations 1991(3) shall have effect in relation to England as if—

- (a) in regulation 2(1) (classification of waters), for “inland waters” there were substituted “inland freshwaters”;
- (b) in regulation 3(a), for the words “inland waters” there were substituted “inland freshwaters”.

(1) 1991 c. 57.

(2) OJNo. L 31/1, 5.2.76, p.1, to which there are amendments not relevant to these regulations.

(3) S.I.1991/1597; amended by paragraph 1(3) of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

Signed by authority of the Secretary of State

4th May 2003

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part III of the Water Resources Act 1991 (control of pollution of water resources) applies to “controlled waters”, which are defined in section 104 of the Act as relevant territorial waters, coastal waters, inland freshwaters and ground waters. Under regulation 3 of the Bathing Waters (Classification) Regulations 1991, the Secretary of State is required to apply the classification BW1 to relevant territorial waters, coastal waters and inland waters⁽⁴⁾ which are “bathing water” within the meaning of Article 1.2 of Council Directive 76/160/EEC concerning the quality of bathing water. Those inland waters do not include all the waters which need to be classified in order to give effect to the Directive.

Regulation 2 of these Regulations modifies the definition of “inland freshwaters” in section 104(1) of the Water Resources Act 1991 to include lakes and ponds which are not currently controlled waters and which need to be classified in order to give effect to the Directive; and adapts regulations 2(1) and 3(a) of the 1991 Regulations to refer to “inland freshwaters”. The Regulations apply to England.

A transposition note showing how the Directive has been implemented in the United Kingdom has been prepared and is available from WQ1 Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria St, London SW1E 6DE.

(4) “inland waters” were renamed as “inland freshwaters” when the Water Resources Act 1991 consolidated previous water legislation.