
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⁽¹⁾ 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.

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