STATUTORY INSTRUMENTS

2025 No. 1129

WATER RESOURCES, ENGLAND AND WALES

The Bathing Water (Amendment) (England and Wales) Regulations 2025

Made - - - -	*27th October 2025*
Laid before Parliament	*28th October 2025*
Laid before Senedd Cymru	*28th October 2025*
Coming into force in accordance with regulation 1(2) and (3)	

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, make these Regulations in exercise of the powers conferred by section 2 of, and paragraph 20(1)(b) of Schedule 1 to, the Pollution Prevention and Control Act 1999(**a**) ("the Act").

The Secretary of State and the Welsh Ministers have, in accordance with section 2(4) of the Act, consulted—

(a) the Environment Agency,

(b) the Natural Resources Body for Wales,

(c) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate, and

(d) such other bodies or persons as they consider appropriate.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Bathing Water (Amendment) (England and Wales) Regulations 2025.

(2) In relation to England—

(a) this regulation and regulations 2, 3(a) and (c), 4(b), (c) and (d), and 5 to 12 come into force on 21st November 2025;

(b) regulations 3(b) and 4(a) come into force on 15th May 2026.

(3) These Regulations come into force in relation to Wales on 1st April 2026.

(4) These Regulations extend to England and Wales.

(**a**) 1999 c. 24. Section 2 was amended by S.I. 2013/755 (W. 90); there are other amending instruments but none is relevant. See paragraph 20(2) of Schedule 1 for the definition of "the relevant directives". Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, except in relation to offshore oil and gas exploration and exploitation, by virtue of article 3(1) of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Amendments of the Bathing Water Regulations 2013

2. The Bathing Water Regulations 2013(**a**) are amended in accordance with regulations 3 to 12.

Amendment to regulation 2 (interpretation)

3. In regulation 2(1)—

(a) for the definition of "bathing season", substitute—

""bathing season" , in relation to a bathing water, means the bathing season specified in, or (as the case may be) determined under regulation 4(1);";

(b) after the definition of "England", insert—

""environmental protection measures" means any measures to—

(a) protect the natural environment from the effects of human activity;

(b) protect people from the effects of human activity on the natural environment;

(c) maintain, restore or enhance the natural environment;

(d) monitor, assess, consider, advise or report on any of the measures referred to in paragraphs (a) to (c);";

(c) in the definition of "permanent advice against bathing", for ", in relation to at least one whole bathing season, under regulation 13" substitute "by the appropriate agency under regulation 13(2) in relation to at least one upcoming bathing season that would have been applicable to that former bathing water".

Amendment to regulation 3 (identification of bathing waters)

4. In regulation 3—

(a) after paragraph (2), insert—

"(2A) The appropriate Minister must not identify or list a surface water under paragraph (1) or (2) (as the case may be) if—

(a) the appropriate agency, having consulted the local authority that controls the relevant surface water, advises the appropriate Minister that—

(i) it would be infeasible or disproportionately expensive for the surface water to achieve a classification of at least "sufficient" under regulation 11; or

(ii) a large number of bathers is likely to have a significant adverse impact on the effectiveness of any environmental protection measures at, or in the vicinity of, the surface water,

and the appropriate Minister accepts that advice; or

(b) the appropriate Minister has reasonable grounds to believe that there is likely to be a significant risk to the physical safety of bathers arising from the features of the relevant surface water.";

(b) for paragraph (4)(a), substitute—

"(a) details of each bathing water listed under paragraph (1), including—

(i) classification; and

(**a**) S.I. 2013/1675.

(ii) the bathing season determined under regulation 4(1), if relevant.";

(c) for paragraph (5)(a), substitute—

"(a) details of each bathing water listed under paragraph (2), including—

(i) classification; and

(ii) the bathing season determined under regulation 4(1), if relevant.";

(d) for paragraph (6), substitute—

"(6) The information published under paragraphs (4) and (5) must be actively disseminated using appropriate media and technologies including the internet, and in such languages as the appropriate Minister considers appropriate, before the earlier of—

(a) 15th May in each year; or

(b) in the case of a bathing water for which the appropriate Minister determines a bathing season under regulation 4(1), the start of that bathing season.".

Amendment to regulation 4 (length of the bathing season)

5. For regulation 4(**a**), substitute—

"Length of the bathing season

4.—(1) For the purposes of these Regulations, the bathing season for bathing waters in England or Wales (as the case may be) in a year is—

(a) the period beginning with 15th May and ending at the end of 30th September; or

(b) such other period as the appropriate Minister has for the time being determined.

(2) For the purposes of paragraph (1)(b), the appropriate Minister may determine different periods for different bathing waters.

(3) The appropriate Minister may only make a determination under paragraph (1)(b) in relation to a particular bathing water before—

(a) 15th May in the year in which the determination is to take effect; or

(b) if a determination under paragraph (1)(b) currently has effect in respect of the bathing water, the end of the period of 12 months beginning with the first day of the period currently determined in relation to that bathing water.

(4) The appropriate Minister may revoke a determination made under paragraph (1)(b) before the earlier of—

(a) the start of the upcoming bathing season currently determined for that bathing water; or

(b) 15th May each year.

(5) A determination that is revoked under paragraph (4) ceases to have effect immediately after the day on which it is revoked.

(6) The appropriate Minister must maintain a list of the bathing seasons determined under paragraph (1)(b) and which have not been revoked under paragraph (4).".

(**a**) Regulation 4 was substituted by regulation 2(2) of S.I. 2020/507 (W. 120), as it applies to Wales.

Amendment to regulation 5 (general duties)

6. In regulation 5(1)(c)(**a**), at the end, insert ", except where there is alternative provision in these Regulations".

Amendment to regulation 13 (additional management measures at "poor" bathing waters)

7. In regulation 13—

(a) after paragraph (1), insert—

"(1A) Where the appropriate agency classifies a bathing water as "poor" under regulation 11 for five consecutive years, the appropriate agency must, having consulted the local authority that controls the bathing water, advise the appropriate Minister on whether it would be feasible and not disproportionately expensive for the bathing water to achieve a classification of at least "sufficient" within a specified period.

(1B) In this regulation the "specified period", in relation to a bathing water, is the period of time which the appropriate agency advises the appropriate Minister to allow a bathing water to achieve a classification of at least "sufficient" under regulation 11.

(1C) The period advised by the appropriate agency under paragraph (1B) must not exceed a period of five years beginning with the date on which the most recent classification under regulation 11 is published.";

(b) for paragraph (2)(a), substitute—

"(a) the appropriate agency classifies the bathing water as "poor" under regulation 11 for five consecutive years and advises the appropriate Minister under paragraph (1A) that it would be—

(i) infeasible or disproportionately expensive for the bathing water to achieve a classification of at least "sufficient" within a period of five years beginning with the date on which the most recent classification under regulation 11 is published, and the appropriate Minister accepts that advice; or

(ii) feasible and not disproportionately expensive for the bathing water to achieve a classification of at least "sufficient" within the specified period—

(aa) but the appropriate Minister rejects that advice; or

(bb) the appropriate Minister accepts that advice, but the bathing water does not achieve a classification of at least "sufficient" before the end of the specified period; or";

(c) in paragraph (2)(b), at the beginning, insert "the appropriate agency has not classified the bathing water as "poor" under regulation 11 for five consecutive years but,";

(d) in paragraph (4), in the words before sub-paragraph (a), omit "during the bathing season".

Amendment to regulation 14 (public information and general provisions about short-term pollution)

8. In regulation 14—

(a) in paragraph (2)(a)(iv)—

(i) omit "identity and";

(**a**) Paragraph (1)(c) was amended by regulation 15(4)(a) of S.I. 2019/558.

(ii) for "any person" substitute "the appropriate agency";

(b) for paragraph (4), substitute—

"(4) In the event of short-term pollution, the appropriate agency may, where the appropriate agency considers it necessary, take one additional sample as soon as reasonably practicable after the pollution incident is presumed to have ended, to verify that it has ended.";

(c) for paragraph (5), substitute—

"(5) The appropriate agency may disregard samples taken during short-term pollution from the set of bathing water quality data for the bathing water, and—

(a) after the end of short-term pollution and before the end of the bathing season, the appropriate agency must, where necessary, take additional samples to ensure that it has the minimum number required for the bathing water for the bathing season;

(b) where the appropriate agency expects to have the minimum number of samples required for the bathing water for the bathing season, the appropriate agency may take additional samples to replace those disregarded due to the short-term pollution, where the appropriate agency considers appropriate.".

Amendment to regulation 15A (annual reports)

9. In regulation 15A(**a**)—

(a) for paragraph (1), substitute—

"(1) Following the end of the latest bathing season that applies in England or Wales (as the case may be) in each year, the appropriate Minister must prepare and publish a report on the bathing season or seasons for that year.";

(b) omit paragraph (2).

Omission of regulation 20 (review)

10. Omit regulation 20.

Amendment to Schedule 4 (monitoring etc)

11. In Schedule 4—

(a) for paragraph 2(2), substitute—

"(2) In relation to any abnormal situation, the appropriate agency—

(a) may suspend the monitoring calendar for the duration of the situation;

(b) after the end of the situation and before the end of the bathing season must, where necessary, take sufficient additional samples to ensure that it has the minimum number required for the bathing water for the bathing season;

(c) may, where the appropriate agency expects to have the minimum number of samples required for the bathing water for the bathing season, take additional samples to replace those disregarded due to the suspension, where the appropriate agency considers appropriate.";

(**a**) Regulation 15A was inserted by regulation 15(5) of S.I. 2019/558.

(b) in paragraph 3—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (b), for "bathing water season" substitute "bathing season";

(c) for paragraph 4(2)(b), substitute—

"(b) clearly identify every sample taken by marking the sample bottle and linking the bottle to its associated documentation.".

Amendment to Schedule 5 (classification)

12. In paragraph 2(2)(e), for "(μ + 1.65 σ)" substitute "(μ + 1.645 σ)".

Emma Hardy
Parliamentary Under Secretary of State
27th October 2025 Department for Environment, Food and Rural Affairs

Huw Irranca-Davies
Deputy First Minister and Cabinet Secretary for Climate Change and
27th October 2025 Rural Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bathing Water Regulations 2013.

Regulation 3 amends the defined terms that apply to the Bathing Water Regulations 2013.

Regulation 4 adds exceptions which will apply when the Secretary of State and the Welsh Ministers identify bathing waters. The exceptions apply where the Secretary of State and the Welsh Ministers accept advice from the Environment Agency or the Natural Resources Body for Wales (as appropriate) that either (1) it would be infeasible or disproportionately expensive for the surface water to achieve a classification of "sufficient" under the Regulations, or (2) a large number of bathers is likely to have a significant adverse impact on environmental protection measures in the vicinity of the surface water. A further exception applies where the Secretary of State and the Welsh Ministers believe that there is likely to be a significant risk to the physical safety of bathers arising from the surface water.

Regulation 5 gives the Secretary of State and Welsh Ministers (as appropriate) the ability to determine a different bathing season from the bathing season that otherwise applies to all bathing waters in England and Wales.

Regulation 6 amends the obligation on the Secretary of State, the Welsh Ministers, the Environment Agency and the Natural Resources Body for Wales to comply with Directive 2006/7/EC.

Regulation 7 replaces the provision requiring a bathing water to be removed from the list of bathing waters maintained in England or Wales (as the case may be) where the bathing water has been classified as "poor" for five consecutive years. The replacement provision allows the Secretary of State or the Welsh Ministers (as appropriate) to consider whether it would be appropriate to allow bathing waters that have been classified as "poor" for five consecutive years an additional period of time to improve.

Regulation 8 amends the contact information that must be provided to the public when there is a short-term pollution incident. Regulation 8 also amends the obligation on the Environment Agency and the Natural Resources Body for Wales to obtain additional samples from bathing waters after the end of a short-term pollution incident.

Regulation 9 updates the Secretary of State's and the Welsh Ministers' obligations to prepare an annual report on the bathing season.

Regulation 10 omits regulation 20.

Regulation 11 amends the obligation on the Environment Agency and the Natural Resources Body for Wales to obtain additional water samples from bathing waters after an abnormal situation. Regulation 11 also removes the obligation on the Environment Agency and Natural Resources Body for Wales to take and analyse the first sample for every bathing water shortly before the start of the bathing season.

Regulation 12 makes a technical amendment to the methodology applied to calculate the percentile value referred to in Schedule 5 to the Bathing Water Regulations 2013.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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ISBN 978-0-34-827603-9



£8.90

http://www.legislation.gov.uk/id/uksi/2025/1129