EXPLANATORY MEMORANDUM TO

THE QUALITY OF BATHING WATER (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2012

2012 No. 218

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment (The Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule amends the Quality of Bathing Water Regulations (Northern Ireland) 2008 (the Bathing Water Regulations) to remove a bathing water (Cranfield(Nicholson's Strand)) from the list of identifed bathing waters in Schedule 1 to these Regulations.

3. Background

3.1. Based on the results of usage surveys carried out at candidate sites and currently identified bathing waters in Northern Ireland across the bathing seasons in 2009 and 2010, the Departmental review in 2011 identified four possible options with regard to the identification and de-identification of bathing waters in Northern Ireland, recommending a preferred option which would result in the number of bathing waters increasing by 2 to 26. Following the consultation the Department amended its preferred option to recommend that one additional site be identified as an EU bathing water. However, Fermanagh District Council, the proposed Bathing Water Operator for Muckross Bay, has asked that identification be deferred until it performs a risk assessment for the area.

4. Consultation

4.1. A consultation was carried out between 29 June 2011 and 4 November 2011 in relation to the review of identified bathing waters. This consultation process included correspondence and meetings with stakeholders. All comments made during the consultation process were carefully considered by the Department before making the recommendations for the amendments to the Bathing Water Regulations. The subsequent synopsis of responses highlighted that the Department intended to formally identify Muckross Bay as an EU bathing water and identified the potential need to de-identify Cranfield (Nicholson's Strand).

5. Equality Impact

5.1. A screening analysis was carried out by the Department for the consultation process and it was determined that the proposed changes to the Bathing Water Regulations would have no impact on any of the groups

relevant to section 75 categories of the Northern Ireland Act 1998. This proposed amendment will also have no impact.

6. Regulatory Impact

6.1. A draft Regulatory Impact Assessment (RIA) was completed for the consultation process in 2011 and a full RIA has been completed to accompany the proposed Regulations. The Department's final recommendations have less financial implications for government than those outlined in the preferred option in the pRIA in the consultation document.

7. Financial Implications

7.1. The amending Regulations do not add any burdens beyond what is already required under the Bathing Water Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

9.1. The Bathing Water Regulations transpose the revised Bathing Water Directive (2006/7/EC) in Northern Ireland. A key requirement of the revised Directive is for member states to involve the public in the updating of the list of bathing waters. The conduction of a formal review, and the involvement of the public in the process, helps to fulfil this requirement.

10. Parity or Replicatory Measure

10.1. Similar reviews of identified bathing waters are also carried out in England, Wales and Scotland.

11. Additional Information

11.1. Not applicable.