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**BATHING WATER ORDINANCE 2012**

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**BATHING WATER ORDINANCE 2012**

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An Ordinance to provide for the assessment and management of bathing water quality

**G. E. STACEY**  
**ADMINISTRATOR**

*18th October 2012.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**Part 1**

**Preliminary**

**1. Short title and commencement**

This Ordinance may be cited as the Bathing Water Ordinance 2012 and comes into force on 1 November 2012.

**2. Interpretation**

In this Ordinance—

“abnormal situation” means an event or combination of events impacting on bathing water quality not expected to occur, on average, more than once every 4 years;

“bathing season” is the period during which the Chief Officer thinks that a large number of bathers will use the bathing waters;

“bathing water” means an area of water identified under section 5(1);

“bathing water quality assessment” means the process of evaluating bathing water quality using the assessment method defined in Schedule 2;

“bathing water quality data” means data obtained in accordance with section 6;

“coastal water” means surface water on the landward side of a line, every point of which is at a distance of 1 nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters;

“cyanobacterial proliferation” means an accumulation of cyanobacteria in the form of bloom, mat or scum;

“inland water” means—

- (a) a river;
- (b) a stream;
- (c) a dam;
- (d) a lake (including a salt lake);
- (e) a reservoir;

“management measures” means measures taken by the Administration including—

- (a) establishing and maintaining a bathing water profile;
- (b) establishing a monitoring calendar;
- (c) monitoring bathing water;
- (d) assessing bathing water quality;
- (e) classifying bathing water;
- (f) identifying and assessing causes of pollution that might affect bathing waters and impair bathers’ health;
- (g) providing information to the public;
- (h) taking action to prevent bathers’ exposure to pollution;
- (i) taking action to reduce the risk of pollution;

“permanent” in relation to a prohibition or recommendation against bathing means lasting at least 1 bathing season;

“pollution” means the presence of a microbiological contamination or other organisms or waste affecting the quality of bathing water and imposing a risk to the health of bathers;

“river” means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course;

“short term pollution” means—

- (a) microbiological contamination as set out in Schedule 1, column A;
- (b) pollution that has 1 or more clearly identifiable causes;
- (c) is not normally expected to affect bathing water quality for more than approximately 72 hours after the initial deterioration of the bathing water quality; and
- (d) for which procedures have been established to identify and assess the pollution as set out in Schedule 2;

“surface water” means an inland water, a transitional water or coastal water;

“transitional water” means a body of surface water in the vicinity of a river mouth which is partly saline in character as a result of its proximity to coastal water but which is substantially influenced by freshwater flow.

### **3. Exceptions**

This Ordinance does not apply to—

- (a) swimming pools and spa pools;
- (b) confined water subject to treatment or used for therapeutic purposes; or
- (c) artificially created confined waters separated from surface water and ground water.

### **4. Application to the Crown**

This Ordinance applies to the Crown.

## Part 2

### Monitoring and inspection

#### 5. Monitoring

- (1) Before the commencement of each bathing season, the Chief Officer must identify all bathing waters and define the length of the bathing season.
- (2) The Chief Officer must establish and undertake a monitoring programme for each bathing water area.
- (3) The Chief Officer must ensure that the monitoring of the parameters set out in column A of Schedule 1 of intestinal enterococci and *Escherichia coli* is in accordance with the sampling procedure set out in Schedules 4 and 5.
- (4) When monitoring each bathing water area, the Chief Officer must ensure that the place where the sample is taken is located in the water where—
  - (a) the majority of bathers are expected to use the water; or
  - (b) the greatest risk of pollution is expected in accordance with the bathing water profile.
- (5) The Chief Officer must establish a timetable for sampling for each bathing water area before the commencement of each bathing season.
- (6) The Chief Officer must sample the water in each bathing water area within 4 days after the date specified in the timetable.
- (7) The Chief Officer may disregard any sample taken during a period of short term pollution.
- (8) Any sample disregarded in accordance with subsection (7) must be replaced by a sample taken in accordance with Schedule 4.
- (9) During an abnormal situation the Chief Officer may suspend the timetable referred to in subsection (5).
- (10) After the end of the abnormal situation the Chief Officer must—
  - (a) resume monitoring as soon as possible in accordance with the timetable; and
  - (b) if samples were not taken due to the abnormal situation, take new samples to replace those not taken.
- (11) The Chief Officer—
  - (a) must ensure that the analysis of bathing water quality takes place in accordance with the reference methods specified in Schedule 1 and the rules set out in Schedule 5; or
  - (b) may permit alternative methods or rules if the Chief Officer reasonably believes that equivalent results to those referred to in paragraph (a) will be obtained.
- (12) The functions conferred on the Chief Officer by this section are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

#### 6. Bathing water quality assessment

- (1) Using samples taken in accordance with section 5, the Chief Officer must compile sets of bathing water quality data for intestinal enterococci and *Escherichia coli*.
- (2) Subject to subsection (6), after the end of each bathing season, for each bathing water, the Chief Officer must carry out a bathing water quality assessment using the sets of bathing water quality data compiled under subsection (1) in relation to 1 of the relevant assessment periods set out in subsections (8)(a) and (8)(b).
- (3) When the Chief Officer carries out a bathing water quality assessment for a relevant assessment period, the Chief Officer may change to using the other relevant assessment period but this change must not occur more than once every 5 years.
- (4) Sets of bathing water quality data must comprise—
  - (a) at least 16 samples; or

- (b) subject to subsection (5), at least 12 samples if the bathing water—
    - (i) has a bathing season which does not exceed 8 weeks; or
    - (ii) is situated in a region subject to special geographical constraints.
- (5) Where the bathing season does not exceed 8 weeks, in the circumstances described in subsection (6), the sets of bathing water quality data must comprise at least 8 samples.
- (6) A bathing water quality assessment may be carried out in relation to fewer than 4 bathing seasons if—
  - (a) the bathing water is newly identified; or
  - (b) changes have occurred which are likely to affect the classification of the bathing water under section 7, in which case the bathing water quality data must consist solely of the results of samples collected since the change occurred.
- (7) The Chief Officer may subdivide or group together bathing waters taking account of the bathing water quality assessments if bathing waters—
  - (a) are contiguous;
  - (b) received similar bathing water quality assessments in the preceding 4 years; and
  - (c) have bathing water profiles which identify common risks or the absence of these risks.
- (8) For the purposes of this section, a “relevant assessment period” is —
  - (a) the season for which data are obtained in accordance with subsection (2) and the 3 preceding bathing seasons; or
  - (b) the 3 preceding bathing seasons only.
- (9) The functions conferred on the Chief Officer by this section are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

## **7. Classification and quality status of bathing waters**

- (1) After the end of each bathing season, on the basis of the bathing water quality assessment carried out under section 6, the Chief Officer must classify each bathing water, in accordance with the criteria set out in Schedule 2, as—
  - (a) “poor”;
  - (b) “sufficient”;
  - (c) “good”; or
  - (d) “excellent”.
- (2) The Chief Officer must make the first classification after the end of the bathing season in 2012.
- (3) Subject to subsection (4), by the end of the bathing season in 2015, the Chief Officer must—
  - (a) endeavour to ensure that all bathing waters are at least “sufficient”; and
  - (b) take realistic and proportionate measures which the Chief Officer thinks are appropriate with a view to increasing the number of bathing waters classified as “excellent” or “good”.
- (4) The Chief Officer may classify temporarily any bathing water as “poor”.
- (5) If bathing water is classified as “poor”, the Chief Officer must ensure that adequate management measures are taken including—
  - (a) prohibiting bathing or advising against bathing with a view to preventing bathers being exposed to pollution;
  - (b) identifying the causes and reasons for the failure to achieve “sufficient” quality status;
  - (c) preventing, reducing or eliminating the causes of pollution; and
  - (d) in accordance with section 14, informing the public by clear and simple signs of the causes of the pollution and the measures taken in consequence of the bathing water profile.
- (6) If a bathing water is classified as “poor” for 5 consecutive years, the Chief Officer must introduce a permanent bathing prohibition or permanent advice against bathing.

- (7) In relation to bathing water classified as “poor”, the Chief Officer may act in accordance with subsection (6) before the end of the 5 year period, if the Chief Officer considers that an assessment of “sufficient” is not feasibly achievable or is disproportionately expensive.
- (8) The functions conferred on the Chief Officer by subsections (1), (2) and (4) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

## **8. Bathing water profiles**

- (1) The Chief Officer must ensure that bathing water profiles are established in accordance with Schedule 3.
- (2) Each bathing water profile may cover a single bathing water or more than 1 contiguous bathing waters.
- (3) Bathing water profiles must be reviewed and updated as provided for in Schedule 3.
- (4) The functions conferred on the Chief Officer by this section are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

## **9. Management measures in exceptional circumstances**

- (1) The Chief Officer must ensure that timely and adequate management measures are taken if the Chief Officer becomes aware of unexpected situations that have, or could reasonably be expected to have, an adverse impact on bathing water quality and bathers’ health.
- (2) The measures referred to in subsection (1) must include information to the public and, if necessary, a temporary bathing ban.

## **10. Risks from cyanobacteria, macro-algae or phytoplankton**

- (1) If the bathing water profile for a bathing water indicates a potential for cyanobacterial proliferation, the Chief Officer must—
  - (a) carry out monitoring to enable timely identification of health risks; and
  - (b) publish a notice in the Gazette to this effect.
- (2) If cyanobacterial proliferation occurs and the Chief Officer identifies or reasonably believes that there is a risk to the health of the public, the Chief Officer must take immediate management measures which the Chief Officer considers adequate to protect bathers’ health including providing information to the public.
- (3) If the bathing water profile for a bathing water indicates a tendency for proliferation of macro-algae or marine phytoplankton, the Chief Officer must carry out an investigation to ascertain whether or not its presence is an acceptable risk.
- (4) In assessing the level of risk under subsection (3), the Chief Officer must—
  - (a) identify potential health risks to bathers; and
  - (b) if necessary, determine adequate management measures to alleviate the risks including providing information to the public.
- (5) The functions conferred on the Chief Officer by subsections (1)(a), (3) and 4(a) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

## **11. Inspection**

- (1) The Area Officer must inspect bathing waters for pollutants such as tarry residues, glass, plastic, rubber or other waste.
- (2) If a pollutant is found, the Chief Officer must take management measures which the Chief Officer considers adequate to protect bathers’ health including providing information to the public.

## **12. Cooperation with competent authorities of the Republic on transboundary waters**

If a river basin gives rise to transboundary impacts on bathing water quality, the Chief Officer may cooperate with the competent authorities in the Republic including through the exchange of information and assistance to control the impact.

### **13. Public participation**

- (1) The Chief Officer, by way of a notice published in the Gazette, may encourage public participation in the implementation of this Ordinance and may give opportunities for the public to—
  - (a) find out how to participate, or
  - (b) make suggestions, remarks or complaints.
- (2) In particular in relation to the establishment, review and updating of lists of bathing waters, the Chief Officer must take account of any information obtained under subsection (1).
- (3) The function conferred on the Chief Officer by subsection (2) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

### **14. Information to the public**

- (1) The Chief Officer must ensure that the information in subsection (2) is disseminated promptly and made available during the bathing season in an easily accessible place in the near vicinity of each bathing water.
- (2) The information is—
  - (a) by means of a clear and simple sign or symbol—
    - (i) the current bathing water classification; and
    - (ii) any bathing prohibition or advice against bathing;
  - (b) a general description of the bathing water, in non-technical language, based on the bathing water profile established in accordance with Schedule 3;
  - (c) in the case of bathing water subject to short term pollution—
    - (i) notification that it is subject to short term pollution;
    - (ii) an indication of the number of days on which bathing was prohibited or advised against during the preceding bathing season because of such pollution; and
    - (iii) a warning if such pollution is predicted or present;
  - (d) information on the nature and expected duration of any abnormal situation;
  - (e) whenever bathing is prohibited or advised against—
    - (i) a notice advising the public and giving reasons; and
    - (ii) if the prohibition or advice against bathing is permanent, notification that the area concerned is no longer a bathing area and the reasons for its declassification;
  - (f) an indication of sources of more complete information provided in accordance with subsection (3).
- (3) Using appropriate media and technologies, including the internet, the Chief Officer must disseminate accurately and promptly the information in subsection (2) and, if the Chief Officer considers necessary, the following information, if appropriate in several languages—
  - (a) a list of bathing waters;
  - (b) the classification of each bathing water during the last 3 years and its bathing water profile, including the results of monitoring carried out since the last classification;
  - (c) in the case of bathing water classified as “poor”, information on the causes of pollution and management measures taken with a view to preventing bathers’ exposure to pollution and to tackle its causes as referred to in section 7; or
  - (d) in the case of bathing waters subject to short term pollution, general information on—
    - (i) conditions likely to lead to short term pollution;
    - (ii) the likelihood of such pollution and its likely duration; and
    - (iii) the causes of the pollution and measures taken with a view to preventing bathers’ exposure to pollution and to address its causes.

- (4) The Chief Officer must ensure that the list referred to in subsection 3(a) is available before the start of the bathing season.
- (5) The Chief Officer must ensure that that the results of the monitoring referred to in subsection 3(b) are available on the internet on completion of the analysis.
- (6) The function conferred on the Chief Officer by subsection (4) is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

### Part 3

#### Subordinate legislation

#### 15. Regulations

The Administrator may make regulations by way of public instrument for the more effective application of this Ordinance.

#### 16. Orders

The Administrator may, by way of an order made as a public instrument,—

- (a) amend or replace any of the Schedules of this Ordinance; or
- (b) determine the signs and symbols referred to in section 14(2)(a).

#### SCHEDULE 1

##### (Section 5)

##### For inland waters

	A	B	C	D	E
	Parameter	Excellent quality	Good quality	Sufficient	Reference methods of analysis
1	Intestinal enterococci (cfu/100 ml) (***)	200 (*)	400 (*)	330 (**)	ISO 7899-1 or ISO 7899-2
2	<i>Escherichia coli</i> (cfu/100 ml) (***)	500 (*)	1 000 (*)	900 (**)	ISO 9308-3 or ISO 9308-1

(\*) Based upon a 95-percentile evaluation. See Schedule 2.

(\*\*) Based upon a 90-percentile evaluation. See Schedule 2.

(\*\*\*) cfu/100ml: colony-forming unit per 100 ml water → bacteria measurement unit per 100 ml of water.

##### For coastal waters and transitional waters

	A	B	C	D	E
	Parameter	Excellent quality	Good quality	Sufficient	Reference methods of analysis
1	Intestinal enterococci (cfu/100 ml) (***)	100 (*)	200 (*)	185 (**)	ISO 7899-1 or ISO 7899-2
2	<i>Escherichia coli</i> (cfu/100 ml) (***)	250 (*)	500 (*)	500 (**)	ISO 9308-3 or ISO 9308-1

(\*) Based upon a 95-percentile evaluation. See Schedule 2.

(\*\*) Based upon a 90-percentile evaluation. See Schedule 2.

(\*\*\*) cfu/100ml: colony-forming unit per 100 ml water → bacteria measurement unit per 100 ml of water.

## SCHEDULE 2

### (Section 7)

#### Bathing water assessment and classification

##### 1. Poor quality

Bathing waters are to be classified as “poor” if, in the set of bathing water quality data for the last assessment period, the percentile values for microbiological enumerations are worse than the “sufficient” values set out in Schedule 1, column D.

##### 2. Sufficient quality

Bathing waters are to be classified as “sufficient”—

- (a) if, in the set of bathing water quality data for the last assessment period, the percentile values for microbiological enumerations are equal to or better than the “sufficient” values set out in Schedule 1, column D; and
- (b) if the bathing water is subject to short term pollution, on condition that—
  - (i) adequate management measures are being taken, including surveillance, early warning systems and monitoring, with a view to preventing bathers’ exposure by means of a warning or, where necessary, a bathing prohibition;
  - (ii) adequate management measures are being taken to prevent, reduce or eliminate the causes of pollution; and
  - (iii) the number of samples disregarded in accordance with section 5(7) because of short term pollution during the last assessment period represented no more than 15% of the total number of samples provided for in the monitoring calendars established for that period, or no more than 1 sample per bathing season, whichever is the greater.

##### 3. Good quality

Bathing waters are to be classified as “good” —

- (a) if, in the set of bathing water quality data for the last assessment period, the percentile values for microbiological enumerations are equal to or better than the “good quality” values set out in Schedule 1, column C; and
- (b) if the bathing water is subject to short term pollution, on condition that—
  - (i) adequate management measures are being taken, including surveillance, early warning systems and monitoring, with a view to preventing bathers’ exposure, by means of a warning or, where necessary, a bathing prohibition;
  - (ii) adequate management measures are being taken to prevent, reduce or eliminate the causes of pollution; and
  - (iii) the number of samples disregarded in accordance with section 5(7) because of short term pollution during the last assessment period represented no more than 15% of the total number of samples provided for in the monitoring calendars established for that period, or no more than 1 sample per bathing season, whichever is the greater.

##### 4. Excellent quality

Bathing waters are to be classified as “excellent” —

- (a) if, in the set of bathing water quality data for the last assessment period, the percentile values for microbiological enumerations are equal to or better than the “excellent quality” values set out in Schedule 1, column B; and
- (b) if the bathing water is subject to short term pollution, on condition that—
  - (i) adequate management measures are being taken, including surveillance, early warning systems and monitoring, with a view to preventing bathers’ exposure, by means of a warning or, where necessary, a bathing prohibition;

- (ii) adequate management measures are being taken to prevent, reduce or eliminate the causes of pollution; and
- (iii) the number of samples disregarded in accordance with section 5(7) because of short term pollution during the last assessment period represented no more than 15% of the total number of samples provided for in the monitoring calendars established for that period, or no more than 1 sample per bathing season, whichever is the greater.

## 5. Definitions

In this Schedule—

- (a) “last assessment period” means the last 4 bathing seasons or, when applicable, the period specified in section 6(2) or 6(6);
- (b) “percentile value”, based upon percentile evaluation of the log normal probability density function of microbiological data acquired from the particular bathing water, is derived as follows—
  - (i) take the log<sub>10</sub> value of all bacterial enumerations in the data sequence to be evaluated. (If a zero value is obtained, take the log<sub>10</sub> value of the minimum detection limit of the analytical method used instead);
  - (ii) calculate the arithmetic mean of the log<sub>10</sub> values ( $\mu$ );
  - (iii) calculate the standard deviation of the log<sub>10</sub> values ( $\sigma$ ). The upper 90-percentile point of the data probability density function is derived from the following equation: upper 90-percentile = antilog ( $\mu + 1,282 \sigma$ ). The upper 95-percentile point of the data probability density function is derived from the following equation: upper 95-percentile = antilog ( $\mu + 1,65 \sigma$ );
- (c) “worse” means with higher concentration values expressed in cfu/100 ml;
- (d) “better” means with lower concentration values expressed in cfu/100 ml.

### SCHEDULE 3

#### (Section 8)

#### Bathing water profile

1. The bathing water profile is to consist of—
  - (a) a description of the physical, geographical and hydrological characteristics of the bathing water, and of other surface waters in the catchment area of the bathing water concerned, that could be a source of pollution, which are relevant to the purpose of this Ordinance;
  - (b) an identification and assessment of causes of pollution that might affect bathing waters and impair bathers’ health;
  - (c) an assessment of the potential for proliferation of cyanobacteria;
  - (d) an assessment of the potential for proliferation of macro-algae or phytoplankton;
  - (e) if the assessment under sub-paragraph (b) shows that there is a risk of short term pollution, the following information—
    - (i) the anticipated nature, frequency and duration of expected short term pollution;
    - (ii) details of any remaining causes of pollution, including management measures taken and the time schedule for their elimination;
    - (iii) management measures taken during short term pollution and the identity and contact details of bodies responsible for taking such action; and
  - (f) the location of the monitoring point.

2. In the case of bathing waters classified as “good”, “sufficient” or “poor”, the bathing water profile is to be reviewed regularly to assess whether any of the aspects listed in paragraph 1 have changed. If necessary, it is to be updated. The minimum frequency and scope of reviews is to be determined on the basis of the nature and severity of the pollution. However, they are to comply with at least the provisions and to take place with at least the frequency specified in the following table.

<b>Bathing water Classification</b>	<b>“Good”</b>	<b>“Sufficient”</b>	<b>“Poor”</b>
Reviews are to take place at least every	4 years	3 years	2 years
Aspects to be reviewed (sub-paragraphs of paragraph 1)	(a) to (f)	(a) to (f)	(a) to (f)

In the case of bathing waters previously classified as “excellent”, the bathing water profiles need be reviewed and, if necessary, updated only if the classification changes to “good”, “sufficient” or “poor”. The review is to cover all aspects mentioned in paragraph (1).

3. In the event of significant construction works or significant changes in the infrastructure in or in the vicinity of the bathing water, the bathing water profile is to be updated before the start of the next bathing season.

4. The information referred to in paragraphs 1(a) and 1(b) is to be provided on a detailed map whenever practicable.

5. Other relevant information may be attached or included if the Chief Officer considers it appropriate; this function conferred on the Chief Officer is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

#### **SCHEDULE 4**

##### **(Section 5)**

##### **Bathing water monitoring**

1. 1 sample is to be taken shortly before the start of each bathing season. Taking account of this extra sample and subject to paragraph 2, no fewer than 4 samples are to be taken and analysed per bathing season.

2. However, only 3 samples need to be taken and analysed per bathing season in the case of a bathing water that either—

- (a) has a bathing season not exceeding 8 weeks; or
- (b) is situated in a region subject to special geographical constraints.

3. Sampling dates are to be distributed throughout the bathing season, with the interval between sampling dates never exceeding 1 month.

4. In the event of short term pollution, 1 additional sample is to be taken to confirm that the incident has ended. This sample is not to be part of the set of bathing water quality data. If necessary to replace a disregarded sample, an additional sample is to be taken 7 days after the end of the short term pollution.

#### **SCHEDULE 5**

##### **(Section 5)**

##### **Rules on the handling of samples for microbiological analysis**

1. Sampling point

Where possible, samples are to be taken 30 centimetres below the water’s surface and in water that is at least 1 metre deep.

## 2. Sterilisation of sample bottles

Sample bottles are to—

- (a) undergo sterilisation in an autoclave for at least 15 minutes at 121°C;
- (b) undergo dry sterilisation at between 160 °C and 170 °C for at least 1 hour; or
- (c) be irradiated sample containers obtained directly from the manufacturer.

## 3. Sampling

- (1) The volume of the sampling bottle/container is to depend on the quantity of water needed for each parameter to be tested. The minimum content is generally 250 ml.
- (2) Sample containers are to be of transparent and non-coloured material (glass, polyethylene or polypropylene).
- (3) In order to prevent accidental contamination of the sample, the sampler is to employ an aseptic technique to maintain the sterility of the sample bottles. There is no further need for sterile equipment (such as sterile surgical gloves or tongs or sample pole) if this is done properly.
- (4) The sample is to be clearly identified in indelible ink on the sample and on the sampling form.

## 4. Storage and transport of samples before analysis

- (1) Water samples are to be protected at all stages of transport from exposure to light, in particular direct sunlight.
- (2) The sample is to be conserved at a temperature of around 4°C, in a cool box or refrigerator (depending on climate) until arrival at the laboratory. If the transport to the laboratory is likely to take more than 4 hours, then transport in a refrigerator is required.
- (3) The time between sampling and analysis is to be kept as short as possible. It is recommended that samples be analysed on the same working day. If this is not possible for practical reasons, then the samples shall be processed within no more than 24 hours. In the meantime, they must be stored in the dark and at a temperature of 4 °C ± 3°C.

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### Notes

- (a) Ordinance 17/07.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Bathing Water Ordinance 2012. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

### Particular points

3. The Ordinance broadly replicates the effect of the Republican Management of Bathing Water Quality Law 2008 (57(I)2008) which implements the EU Bathing Water Directive 2006/7/EC.

4. Section 4 provides that the Ordinance binds the Crown.

5. Section 5 makes provision in relation to identifying bathing waters, the length of the bathing season and the duty to establish a monitoring programme.

6. Under section 6 the Chief Officer must assess the quality of the bathing water over a prescribed period of time. Like many duties placed on the Chief Officer in this Ordinance it is delegated to the Republic under the Delegation of Functions to the Republic Ordinance 2007 as a general delegated function. This means that the officers in the Republic who carry out the corresponding function in the Republic may carry out that function in the Areas without the prior consent of the Administration. Where a function is delegated, it is noted at the end of the particular section.

7. Under sections 7 and 8 the Chief Officer must classify the quality of the bathing water as “poor”, “sufficient”, “good” or “excellent” for a particular area and must establish a bathing water profile for each bathing water.

8. If, because of the bathing water profile, as a result of an inspection or by some other means, the Administration becomes aware that a bathing water is polluted, sections 9 to 11 require management measures to be taken in respect of the affected bathing water which must include providing information to the public.

9. Section 12 addresses co-operation with the Republic where there is an issue concerning the quality of the water emanating from a river basin which has an impact in both the Republic and the Areas.

10. Sections 13 and 14 make provision for public participation; providing information to the public by way of signs and other information near each bathing water and warning members of the public if a bathing water becomes polluted.

11. Sections 15 and 16 make provision for secondary legislation.