

The Bathing Waters (Sampling and Analysis) (Scotland) Directions 2008

The Scottish Ministers give the Scottish Environment Protection Agency (“SEPA”) the following Directions in exercise of the powers conferred on them by section 40 of the Environment Act 1995^(a) and all other powers enabling them to do so.

In accordance with section 40(6) of that Act they have consulted SEPA.

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Bathing Waters (Sampling and Analysis) (Scotland) Directions 2008 and come into force on 26 June 2008.

(2) In these Directions, “the Regulations” means the Bathing Waters (Scotland) Regulations 2008^(b).

(3) Expressions used in these Directions which are also used in Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC (“Directive 2006/7/EC”)^(c) have the same meaning as in that Directive.

Application of Directions

2.— These Directions apply when SEPA take and analyse samples in exercise of its functions under Regulation 7 and Schedule 2 of the Regulations.

Rules on sampling of bathing waters

3.—(1) SEPA must only use sampling bottles which—

- (a) have been—
 - (i) sterilised in an autoclave for at least 15 minutes at 121 degrees Celsius;
 - (ii) dry sterilised at no lower than 160 degrees Celsius and no higher than 170 degrees Celsius for at least one hour; or
 - (iii) irradiated by their manufacturer and not used previously;
- (b) are of a volume which allows sufficient water to be taken and analysed for the presence of intestinal enterococci and *Escherichia coli*; and
- (c) are made of transparent and non-coloured material.

(2) SEPA must—

- (a) use aseptic techniques to maintain the sterility of the sample bottles;
- (b) clearly identify every sample taken by permanently marking the sample bottle and associated records and documents;
- (c) at all times, protect every sample taken from exposure to light, and in particular, direct sunlight; and

^(a) 1995 c.25 as amended by S.I. 1999/1746. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

^(b) S.S.I. 2008/170.

^(c) O.J. No. L 64, 4.03.2006, p.37.

(d) conserve every sample in an environment with a temperature of around 4 degrees Celsius between sampling and laboratory analysis.

(3) In relation to any sample, if the interval between sampling and laboratory analysis is likely to exceed four hours, SEPA must conserve the sample in a refrigerator.

(4) SEPA must use its best endeavours to keep the time between sampling and laboratory analysis as short as possible, and must ensure that in all cases this time does not exceed 24 hours.

Reference methods of analysis of samples

4.— SEPA must use the following reference methods of analysis:-

- (a) for intestinal enterococci, ISO 7899-1 or ISO 7899-2; and
- (b) for Escherichia coli, ISO 9308-3 or ISO 9308-1.

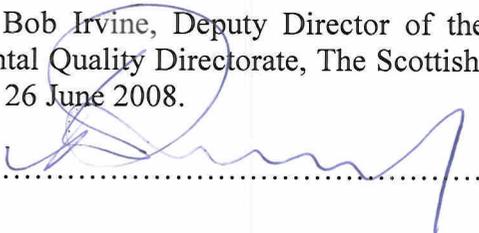
General provisions in relation to Sampling and Analysis

5.— Notwithstanding paragraphs 3 and 4 SEPA may use such rules or reference methods of analysis as it considers are substantially equivalent to those paragraphs provided:-

- (a) such substantially equivalent rules and methods of analysis will provide equivalent results to those in paragraphs 3 and 4; and
- (b) they have notified the Scottish Ministers giving details of such rules and methods and their equivalence.

These Directions are subscribed as follows:

They are signed by Bob Irvine, Deputy Director of the Water, Air, Soils and Flooding Division, Environmental Quality Directorate, The Scottish Government, Victoria Quay, EH6 6QQ at Edinburgh on 26 June 2008.

Signature:.....

Before this witness:-

Signature of Witness:

Full name of witness: Iain Morrison

Address of witness: Environmental Quality Directorate, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.