
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 365

The Natural Mineral Water, Spring Water and Bottled
Drinking Water Regulations (Northern Ireland) 2015

PART 5

Monitoring and sampling

CHAPTER 1

Natural mineral water

Monitoring of natural mineral water

23. In the case of natural mineral water, each district council must carry out periodic checks to ensure that—

- (a) the composition, temperature and other essential characteristics of the water remain stable within the limits of natural fluctuation;
- (b) without prejudice to subparagraph (a), the composition, temperature and other essential characteristics of the water are unaffected by any variations in the rate of flow;
- (c) the viable colony count at source (before the water is subjected to any permitted treatment) is reasonably constant, taking into account the qualitative and quantitative composition of the water considered in the recognition of the water and that it continues to satisfy the requirements of Part 1 of Schedule 1; and
- (d) the requirements of Schedule 4 are met in relation to the water.

CHAPTER 2

Water bottled and labelled as “spring water” and bottled drinking water

Monitoring of water bottled and labelled as “spring water” and bottled drinking water

24.—(1) In the case of water bottled and labelled as “spring water” and bottled drinking water, each district council must carry out regular monitoring of the quality of the water to check that—

- (a) it satisfies the requirements of Directive 98/83 and in particular complies with the parametric values set in accordance with Schedule 7; and
 - (b) where disinfection forms part of the preparation or distribution of bottled drinking water, the disinfection treatment applied is efficient and any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.
- (2) In order to comply with paragraph (1), each district council must carry out—
- (a) monitoring in accordance with Schedule 8 to check whether the water complies with the relevant parametric values specified in Parts 2 and 3 of Schedule 7; and

(b) monitoring in accordance with Schedule 9 to check whether the water complies with the relevant parametric values specified in Part 4 of Schedule 7.

(3) Each district council must carry out additional monitoring, on a case-by-case basis, in relation to any property, element, substance or organism other than a parameter specified in Schedule 7, if the district council has reason to suspect that it may be present in the water concerned in an amount or number which constitutes a potential danger to human health.

Samples and analysis

25.—(1) For the purpose of monitoring water bottled and labelled as “spring water” and bottled drinking water, each district council must carry out—

- (a) sampling and analysis in accordance with Schedule 10 to check compliance with the parametric values specified in Parts 2 and 3 of Schedule 7; and
- (b) sampling and analysis in accordance with Schedule 11 to check compliance with the parametric value for indicative dose specified in Part 4 of Schedule 7.

(2) Each district council must take samples at the point at which the water is bottled.

Remedial action

26.—(1) If a district council determines that water bottled and labelled as “spring water” or bottled drinking water does not comply with the parametric concentrations or values specified in Schedule 7, the district council must—

- (a) immediately investigate the non-compliance in order to identify the cause;
- (b) assess whether the non-compliance poses a risk to human health which requires action;
- (c) require the business operator to take remedial action as soon as possible to restore the quality of the water where that is necessary to protect human health;
- (d) in respect of any parameter specified in Parts 2 and 3 of Schedule 7, notify the general public of the remedial action taken, unless the district council considers that non-compliance with the parametric value is trivial; and
- (e) in respect of any parameter specified in Part 4 of Schedule 7, notify the general public of the risks and remedial action taken and advise the general public on any additional precautionary measures that may be needed for the protection of human health in respect of radioactive substances.

(2) If water bottled and labelled as “spring water” or bottled drinking water constitutes a potential danger to human health, irrespective of whether it meets the relevant parametric values in Schedule 7, the district council must—

- (a) prohibit or restrict the supply of that water in its area or take such other action as is necessary to protect human health; and
- (b) inform the general public promptly of that fact and provide advice where necessary.

(3) In performing the function in paragraph (2), the district council must have regard to any risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

CHAPTER 3

Treatments

Monitoring of certain treatments

27.—(1) Each district council must carry out periodic checks on any fluoride removal treatment which it has authorised to ensure that the requirements of paragraph 3 of Schedule 2 continue to be satisfied.

(2) Each district council must carry out periodic checks on any ozone-enriched air treatment which it has authorised to ensure that the requirements of paragraph 4 of Schedule 3 continue to be satisfied.

CHAPTER 4

Samples

General

28. The district council must ensure that each sample is representative of the quality of the water concerned consumed throughout the year in which the sample is taken.

Delivery

29.—(1) An authorised officer who has procured a sample under Article 29 of the Order and is required to give part of that sample to the owner in accordance with regulation 7(3)(c) of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013(1), may deliver that sample—

- (a) directly to the owner or the owner's agent; or
- (b) by registered post or recorded delivery service.

(2) If, after reasonable enquiry, the authorised officer is unable to ascertain the name and address of the owner, the authorised officer may retain the sample.

(3) In this regulation, “owner” has the same meaning as in the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013.

Notification

30.—(1) An authorised officer who has procured a sample of water under Article 29 of the Order for the purpose of analysis by a public analyst must serve notice in accordance with paragraph (2) if it appears that the water was exploited or bottled by a person (other than the owner) having a name and an address in the United Kingdom displayed on the bottle.

(2) The authorised officer must, within three days of procuring the sample, send to that person a notice informing them—

- (a) that the sample has been procured by the authorised officer; and
- (b) where the sample was taken or, as the case may be, from whom it was purchased.

(3) Paragraph (1) does not apply if the authorised officer decides not to have the sample analysed.

Analysis by the Government Chemist

31.—(1) Paragraphs (2) to (6) apply where a part of a sample procured under Article 29 of the Order has been submitted for analysis and another part of the sample has been retained in accordance with regulation 7(3)(e) of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013 and—

- (a) an improvement notice has been served on a person under Article 9(1) of the Order, as applied and modified by regulation 33, as read with Schedule 12, for a contravention of a provision of these Regulations in connection with that sample;
- (b) an appeal against that improvement notice has been made by that person to a court of summary jurisdiction; and
- (c) the authorised officer intends to adduce as evidence the result of the analysis of the sample procured under Article 29 of the Order.

(2) An authorised officer—

- (a) may of his own volition;
- (b) must, if requested by the court; or
- (c) must, subject to paragraph (6), if requested by the recipient of the improvement notice,

send the retained part of the sample to the Government Chemist for analysis.

(3) The Government Chemist must analyse, or direct a food analyst to analyse, the part of the sample sent under paragraph (2) and send to the authorised officer a Government Chemist's certificate of analysis.

(4) Any certificate sent by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by a person under the direction of the person who signs the certificate.

(5) On receipt of the certificate the authorised officer must, as soon as is reasonably practicable, supply a copy of it to the court and to the recipient of the improvement notice.

(6) Where a request is made under paragraph (2)(c), the authorised officer may request payment of a fee specified in writing from the recipient of the improvement notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3) and in the absence of agreement by the recipient of the improvement notice to pay the fee specified in the notice the authorised officer may refuse to comply with the request.