

SCHEDULE 2

Regulations 9(1)(a)(iii) and 15(1)(a)(III)

Fluoride removal treatment

1. A person must not carry out fluoride removal treatment on natural mineral water or water intended to be bottled and labelled as “spring water” unless that treatment is authorised by the district council within whose area the water is extracted.
2. A person seeking authorisation to carry out fluoride removal treatment must—
 - (a) apply in writing to the district council within whose area the water is extracted;
 - (b) permit representatives of that district council to examine the proposed method of treatment and place of treatment and take samples for analysis; and
 - (c) provide such information in support of the application as is requested by the district council.
3. The district council must assess the application and any supporting information and must authorise the fluoride removal treatment if it is satisfied that—
 - (a) Articles 1 to 3 of Regulation 115/2010 are complied with in relation to the treatment; and
 - (b) the treatment does not have a disinfectant action.
4. Where the district council decides to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing and state the date from which the authorisation for use of the treatment has effect.
5. Where the district council decides to refuse to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing, stating its reasons.
6. Where a fluoride removal treatment has been authorised pursuant to paragraph 3, the person carrying out the treatment must, for the purpose of enabling the district council to assess whether the conditions in paragraph 3 continue to be satisfied—
 - (a) permit representatives of the district council to examine the method of treatment and place of treatment and take samples for analysis; and
 - (b) provide such information related to the treatment as is requested by the district council.
7. Where the district council is satisfied that the conditions specified in paragraph 3 are no longer fulfilled, it may withdraw authorisation of a fluoride removal treatment by giving the person carrying out the treatment a written notice stating the grounds for withdrawal.
8. Where the district council has informed an applicant under paragraph 6 of its decision to refuse to authorise a treatment under paragraph 4 or to withdraw authorisation of a treatment under paragraph 8, the person who wishes to carry out the treatment may within 6 months of being notified of that decision apply to the Agency for a review.
9. The Agency, upon receiving an application under paragraph 8, must within 3 months from the date of that application—
 - (a) make such inquiries into the matter as the Agency considers appropriate;
 - (b) consider the results of those inquiries and any other relevant facts; and
 - (c) either—
 - (i) confirm the decision; or
 - (ii) direct the district council to grant or restore authorisation of a fluoride removal treatment as appropriate.
10. The district council must immediately comply with a direction of the Agency under paragraph 9(c)(ii).