
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 139

**The Natural Mineral Water, Spring Water and Bottled
Drinking Water (Amendment) (Scotland) Regulations 2003**

**Amendments to the Natural Mineral Water, Spring Water and Bottled Drinking Water
Regulations 1999**

8. For regulation 11 (spring water) there shall be substituted—

“Spring Water

11.—(1) No person shall cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless—

- (a) that water has been extracted from a spring;
- (b) subject to paragraph (4) below, that water would, if it were a natural mineral water, meet the exploitation and bottling requirements;
- (c) that water would, if it were a natural mineral water, be capable of being bottled or sold without contravening the provisions of regulation 8;
- (d) subject to paragraph (6) below, that water satisfies the requirements of Schedule 3; and
- (e) the bottling occurs at source.

(2) No person shall cause any bottle to be marked or labelled with the description “spring water” unless the water contained in it—

- (a) subject to paragraph (6) below, is bottled as specified in paragraph (1) above;
- (b) (if it has not undergone any treatment) is intended for consumption in its natural state; and
- (c) (where the bottle is marked or labelled with any trade description) would, if it were a natural mineral water, comply with the requirements of Article 8.

(3) No person shall cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless the bottle is also marked or labelled with—

- (a) the name of the place where the spring in question is exploited; and
- (b) the name of the spring.

(4) Any water bottled in a bottle marked or labelled with the description “spring water”, which is transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer, shall not, for that reason alone, be taken to have failed to meet the exploitation and bottling requirements if, on or before 23rd November 1996, the water from that spring was so transported to the bottling plant.

(5) No person shall sell any water which—

- (a) subject to paragraph (6) below, is bottled otherwise than as specified in paragraph (1) above; or

(b) subject to paragraph (6) below, is bottled in a bottle marked or labelled in contravention of paragraphs (2) or (3) above.

(6) For the purposes of paragraphs (2)(a) and (5) above, where the water concerned has been bottled in an EEA State other than the United Kingdom, but does not satisfy the requirements of Schedule 3, it shall be deemed to satisfy those requirements if, at the date of bottling—

(a) it satisfies the requirements prescribed in that State corresponding to those in Schedule 3; and

(b) those requirements are in accordance with—

(i) (where the bottling occurs before 25th December 2003) whichever of Directives 80/778 and 98/83 is applicable in that State; or

(ii) (where the bottling occurs on or after that date) Directive 98/83.”.