
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 435

The Natural Mineral Water, Spring Water and
Bottled Drinking Water (Scotland) Regulations 2007

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Regulations 2007 and shall come into force on 31st October 2007.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“advertisement” and “advertise” shall have the same meaning as in the Food Labelling Regulations 1996(1);

“the Agency” means the Food Standards Agency;

“authorised ozone-enriched air oxidation technique” means—

(a) a treatment with ozone-enriched air authorised and carried out in accordance with Schedule 1; or

(b) in the case of water brought into Scotland from other parts of the United Kingdom or from an EEA State, a treatment which complies with Article 5 of Directive 2003/40 as implemented in that part of the United Kingdom or that EEA State;

“bottle”, the noun, means a closed container of any kind in which water is sold for drinking by humans or from which water sold for drinking by humans is derived and “bottle”, the verb, and “bottled” shall be construed accordingly;

“Directive 80/777” means Council Directive [80/777/EEC](#) on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters(2) as amended by Directive [96/70/EC](#) of the European Parliament and of the Council(3);

“Directive 98/83” means Council Directive [98/83/EC](#) relating to the quality of water intended for human consumption(4) as corrected by a Corrigendum dated 20th April 2001(5);

(1) S.I.1996/1499, to which there are amendments not relevant to these Regulations.

(2) O.J. No. L 229, 30.8.80, p.1.

(3) O.J. No. L 299, 23.11.96, p.26.

(4) O.J. No. L 330, 5.12.98, p.32.

(5) O.J. No. L 111, 20.4.01, p.31.

“Directive 2003/40” means Commission Directive [2003/40/EC](#) establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters⁽⁶⁾;

“drinking water” means water intended for sale for drinking by humans other than—

- (a) natural mineral water; or
- (b) water bottled in a bottle marked or labelled “spring water” in accordance with regulation 11;

“effervescent natural mineral water” means natural mineral water which at source or after bottling, gives off carbon dioxide spontaneously and in a clearly visible manner under normal conditions of temperature and pressure;

“natural mineral water” means water which—

- (a) is microbiologically wholesome;
- (b) originates in an underground water table or deposit and emerges from a spring tapped at one or more natural or bore exits;
- (c) can be clearly distinguished from ordinary drinking water by the following characteristics having been preserved intact because of the underground origin of the water, which has been protected from all risk of pollution—
 - (i) its nature, which is characterised by its mineral content, trace elements or other constituents and, where applicable, by certain effects;
 - (ii) its original state; and
- (d) is for the time being recognised in accordance with regulation 4;

“parameter” means a property, element, organism or substance listed in the second column of the Tables in Part 2 of Schedule 2;

“prescribed concentration or value” in relation to any parameter, means the concentration or value specified in relation to that parameter in the Tables in Part 2 of Schedule 2 as measured by reference to the unit of measurement so specified;

“sell” includes possess for sale and offer, expose or advertise for sale, and “sale” shall be construed accordingly.

(2) Other expressions used both in these Regulations and in Council Directives 80/777, 98/83 or 2003/40 have the same meaning in these Regulations as they have in the Directive concerned.

(3) Any reference in these Regulations to a numbered Article or Annex is a reference to the Article or Annex so numbered in Directive 80/777.

(4) Any reference in these Regulations to the marking or labelling of a bottle includes both marking or labelling done before any water is bottled, and after bottling.

Exemptions

3.—(1) These Regulations do not apply to any water which—

- (a) has a product licence issued under the Medicines Act 1968⁽⁷⁾ or a marketing authorisation within the meaning of the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994⁽⁸⁾ or a marketing authorisation to which Veterinary Medicines Regulations 2005⁽⁹⁾ apply;

⁽⁶⁾ O.J. No. L 126, 22.5.03, p.34.

⁽⁷⁾ [1968 c. 67](#).

⁽⁸⁾ S.I. [1994/3144](#); to which there are amendments not relevant to these Regulations.

⁽⁹⁾ [2005/2745](#).

- (b) is a natural mineral water which is used at source for curative purposes in thermal or hydromineral establishments;
 - (c) is not intended for sale for drinking by humans; or
 - (d) is a natural mineral water intended for export to a country other than an EEA State.
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.