

## EXECUTIVE NOTE

### THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/94

#### Description

1. The above instrument was made under the powers in sections 16(1)(e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>. The instrument is subject to negative resolution procedure and does not amend primary legislation.

#### Policy Objective

2. This instrument extends to Scotland only. It further amends the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No 2) Regulations 2007 by clarifying that certain legal terms, such as sales descriptions, can be included, in another language in addition to the English text for the marking or labelling of natural mineral water, spring water and bottled drinking water. Wording in the amending legislation has been chosen to ensure a consistent approach is taken for marking/ labelling natural mineral water, spring water and bottled drinking water. The Regulations also update a reference in the 2007 Regulations to the Veterinary Medicines Regulations.

#### Policy Background

3. The Natural Mineral Water, Spring Water and Bottled Water (Scotland) Amendment (No 2) Regulations 2010 amended the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2010 which themselves amended the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No 2) Regulations 2007.
4. The No 2 amending Regulations were laid before Parliament on the 24 March and came into force on the 9 April 2010. The equivalent Welsh legislation was scrutinised by the Constitutional Affairs Committee in Wales who received legal advice that the 2007 regulations, and subsequent amendments, prohibit the use of the Welsh language on labels. The 2007 Regulations (as amended) are considered not to permit certain legal terms, such as sales descriptions, to be included in languages in addition to equivalent English text for the labelling of natural mineral water. The Food Standards Agency recognised that the issue needed clarification and that the principle will apply to all countries in the U.K. The proposed amending legislation has been drafted to ensure a consistent approach is taken here on wording used on labels for natural mineral water, spring water and bottled drinking water. The Regulations also update a reference in the 2007 Regulations to the Veterinary Medicines Regulations.

#### Consultation

5. A shortened public consultation (the change was of a minor nature, the proposed SSI was a clarification of existing legislation and allows the use of another language on labels if so

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<sup>(1)</sup> 1990 c.16

wished) was issued in Scotland to a wide range of stakeholders including the bottled water industry and enforcement authorities on 13 August 2010 until 10 September 2010. The Agency considered that these amending Regulations would have no impact on business and asked stakeholders to advise of any costs as part of the consultation. No comments were received. Therefore a Business and Regulatory Impact Assessment has not been produced.

### **Other Administrations**

6. Similar Regulations will apply in England, Wales and Northern Ireland.

### **Impact**

7. A Business and Regulatory Impact Assessment has not been produced for this instrument (as explained in paragraph 5). No impact on the private, public or voluntary sectors is foreseen.

### **Contact**

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