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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 287**

**FOOD**

**The Natural Mineral Water, Spring Water and Bottled  
Drinking Water (Scotland) Amendment Regulations 2017**

<i>Made</i>	- - - -	<i>6th September 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th September 2017</i>
<i>Coming into force</i>	- -	<i>27th October 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1)(a) and (3), 31 and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 48(4A) and (6) of that Act, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotland<sup>(2)</sup>.

There has been a consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(3)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2017 and come into force on 27th October 2017.

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- (1) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Section 6(4) was amended by paragraph 6 of schedule 9 of the Deregulation and Contracting Out Act 1994 (c.40), paragraph 10(3) of schedule 5 of the Food Standards Act 1999 (c.28) (“the 1999 Act”) and S.I. 2002/794. Section 6(4A) was inserted by paragraph 3(2) of the schedule of the Food (Scotland) Act 2015 (asp 1) (“the 2015 Act”). Section 16(1)(da) was inserted by section 34(1) of the 2015 Act. Sections 17(1), 31(1) and 48(1) were amended by paragraph 8 of schedule 5 of the 1999 Act. Section 17(1) was also amended by paragraph 12(a) of schedule 5 of the 1999 Act. Section 26(3) was amended by paragraph 1 of schedule 6 of the 1999 Act. Section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990. By virtue of section 40(2) of the 1999 Act, amendments made by schedule 5 of that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by S.I. 2005/849.
- (2) Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act. Section 48(6) was inserted by paragraph 3(11) of the schedule to the 2015 Act.
- (3) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EU) 652/2014 of the European Parliament and of the Council (OJ L 189, 27.6.2014, p.1).

## **Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007**

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007<sup>(4)</sup> are amended as follows:—

- (a) for regulation 16(2)(a)(ii) substitute—
  - “(ii) it complies with the prescribed concentrations or values in Part 2 of schedule 2 and the parametric values for radon, tritium and indicative dose in Part 3 of schedule 12; and”;
- (b) in regulation 16(2) omit sub-paragraphs (a)(iii) and (iv), (b) and (c);
- (c) in regulation 16(2)(d) for “Schedule 9” substitute “Part 2 of schedule 2 or Part 3 of schedule 12”;
- (d) in regulation 16(3)—
  - (i) omit “(b) and”; and
  - (ii) after “(d)”, insert “and (e)”;
- (e) in Table A in Part 2 of schedule 2 omit entries 13 (Tritium (for radioactivity)) and 14 (Total indicative dose); and
- (f) omit schedules 9, 10 and 11.

St Andrew’s House,  
Edinburgh  
6th September 2017

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

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<sup>(4)</sup> S.S.I. 2007/483, as relevantly amended by S.S.I. 2009/273, S.S.I. 2010/89 (which was itself amended by S.S.I. 2010/127), S.S.I. 2011/94 and S.S.I. 2015/363.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007 (“the 2007 Regulations”) consequent to amendments made by Commission Directive (EU) 2015/1787 amending Annexes II and III to Council [Directive 98/83/EC](#) as regards the quality of water intended for human consumption (OJ L 260 7.10.2015, p.6) (“the Directive”). These Regulations transpose the provisions of the Directive only in respect of bottled drinking water which is marketed as spring water or bottled drinking water. The remaining provisions of the Directive are implemented by the Public Water Supplies (Scotland) Amendment Regulations 2017 and the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Regulation 2 removes the obligations on food authorities to check monitor and to audit monitor spring water and bottled drinking water in regulation 16 and schedules 9 to 11 of the 2007 Regulations.

A Regulatory Impact Assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL.