STATUTORY INSTRUMENTS

1999 No. 1540

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999

Part I

Introductory

Title and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 and shall come into force on 30th June 1999.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires–

"the Act" means the Food Safety Act 1990;

"bottle", the noun, means a closed container of any kind in which water is sold for human consumption or from which water sold for human consumption is derived, and "bottle", the verb, and cognate expressions, shall be construed accordingly;

"bottled drinking water" means drinking water which is bottled;

"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(**1**) as amended by Directive 96/70/EC of the European Parliament and of the Council(**2**);

"Directive 80/778" means Council Directive 80/778/EEC relating to the quality of water intended for human consumption(**3**);

"drinking water" means water intended for sale for human consumption other than–

(a) natural mineral water; or

(b) water which is marked or labelled "spring water" in accordance with regulation 11;

"EEA Agreement" means the Agreement on the European Economic Area(**4**) signed at Oporto on 2nd May 1992, as adjusted by the Protocol(**5**) signed at Brussels on 17th March 1993;

"EEA State" means a State which is a Contracting Party to the EEA Agreement;

"effervescent natural mineral water" means natural mineral water which conforms with the supplementary qualifications in Section III of Annex I;

"the exploitation and bottling requirements" means–

(**1**) OJNo. L229, 30.8.80, p. 1; as amended by Directive 96/70/EC of the European Parliament and of the Council.
(**2**) OJ No. L229, 23.11.96, p. 26.
(**3**) OJ No. L229, 30.8.80, p. 11.
(**4**) OJ No. L1, 3.1.94, p. 1.
(**5**) OJ No. L1, 3.1.94, p. 571.

(a) the requirements in the first and second unlettered sub-paragraphs of paragraph 2 of Annex II; and

(b) the requirement in regulation 8(5);

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"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 characteristics referred to in paragraph 1 of Section I of Annex I; and

(d) is for the time being recognised for the purposes of Article 1 pursuant to regulation 4;

"parameter" means a property, element, organism or substance listed in the second column of the Tables in Part II of Schedule 3;

"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 II of Schedule 3 as measured by reference to the unit of measurement so specified;

"recognised" means recognised in Great Britain;

"relevant authority" means–

(a) in England, the council of a district or London Borough;

(b) in Wales, the council of each county or county borough; and

(c) in Scotland, each council constituted by section 2 of the Local Government etc. (Scotland) Act 1994(**6**); and

"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 Directive 80/777 or 80/778 have, in so far as the context admits, the same meaning in these Regulations as they bear in that Directive.

(3) Any reference in these Regulations to a numbered Article or Annex is, save where the contrary intention appears, a reference to the Article or Annex so numbered in Directive 80/777.

(4) Any reference in these Regulations to a numbered regulation or Schedule is, save where the contrary intention appears, a reference to the regulation or Schedule so numbered in these Regulations.

Exemptions

3. These Regulations do not apply to any water which–

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

(b) is a natural mineral water which is used at source for curative purposes in thermal or hydromineral establishments;

(**6**) 1994 c. 39.
(**7**) 1968 c. 67.
(**8**) S.I.1994/3142; to which there are amendments not relevant to these Regulations.
(**9**) S.I. 1994/3144; to which there are amendments not relevant to these Regulations.

(c) is not intended for sale for human consumption; or

(d) is a natural mineral water intended for export to a country other than an EEA State.