
STATUTORY INSTRUMENTS

2018 No. 352

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 and come into force on 6th April 2018.

(2) They extend to England and Wales.

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(1) are amended as follows.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1)—

(a) at the appropriate places insert the following definitions—

““pesticides” has the meaning given in note 6 of Part B of Annex 1 to Council Directive 98/83/EC on the quality of water for human consumption(2);”;

““polycyclic aromatic hydrocarbons” means—

- (a) benzo(b)fluoranthene,
- (b) benzo(k)fluoranthene,
- (c) benzo(ghi)perylene, and
- (d) indeno(1,2,3-cd)pyrene;”;

““trihalomethanes” means—

- (a) chloroform,
- (b) bromoform,
- (c) dibromochloromethane, and
- (d) bromodichloromethane.”;

(b) in the definition of “parameter”, for the words from “second column” to the end substitute “first column of any table in Schedule 2 or the first column of the table in Section 1 of Part 9 of Schedule 12”;

(c) omit the definition of “prescribed concentration or value”;

(d) at the end of the definition of “relevant authority” omit “and”.

(1) S.I. 2007/2785, amended by S.I. 2010/433, 2011/451, 2014/1855; there are other amending instruments but none are relevant.
(2) OJ No. L 330, 5.12.1998, p. 32, as last amended by Commission Directive (EU) 2015/1787 (OJ No. 260, 7.10.2015, p. 6).

Amendment of regulation 3 (exemptions)

4. For regulation 3(1)(a) substitute—

- “(a) is a medicinal product within the meaning of [Directive 2001/83/EC](#) of the European Parliament and of the Council on the Community code relating to medicinal products for human use⁽³⁾”.

Amendment of regulation 14 (marking, labelling and advertising of bottled drinking water)

5. In regulation 14, in paragraphs (a) and (b), in the words before sub-paragraph (i), omit the words from “which” to “Annex I”.

Amendment of regulation 16 (enforcement)

6.—(1) Regulation 16 is amended as follows.

(2) In paragraph (5)—

(a) in sub-paragraph (a)—

(i) in the words before paragraph (i), for “to check” substitute “, including checks to determine”;

(ii) in paragraph (i), at the end insert “and”;

(iii) omit paragraphs (ii) to (iv);

(b) omit sub-paragraphs (b) to (d).

(3) In paragraph (6), omit “, (b) and (d)”.

Insertion of regulation 16A (monitoring of bottled spring water and bottled drinking water)

7. After regulation 16, insert—

“Monitoring of water bottled and labelled as “spring water” and bottled drinking water

16A. Each food authority must, in accordance with Schedule 12, maintain a monitoring programme for, and monitor, any water that—

(a) is water to which paragraph 3 of Schedule 12 applies (water bottled and labelled as “spring water” and bottled drinking water), and

(b) is being bottled in its area.”.

Omission of regulations 19 to 21 (methods of analysis, offences and penalties and defences)

8. Omit—

(a) regulation 19 (methods of analysis);

(b) regulation 20 (offences and penalties);

(c) regulation 21 (defences).

Substitution of regulation 22 (application of provisions of the Food Safety Act 1990)

9. For regulation 22 substitute—

(3) OJ No. L 311, 28.11.2001, p. 67, as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council (OJ No. L 117, 5.5.2017, p. 1).

“Application of the Act

22.—(1) The provisions of the Act specified in the first column of the table in Schedule 13 apply for the purposes of these Regulations, with the modifications specified in the second column of that table.

(2) An authorised officer of a food authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified by paragraph (1), as read with Schedule 13, if—

- (a) the improvement notice would relate to water bottled and labelled before 6th April 2018, and
- (b) the matters constituting the alleged contravention would not have constituted an offence under these Regulations as they stood immediately before 6th April 2018.”.

Substitution of Schedule 2 (requirements for spring water and drinking water including prescribed concentrations or values of parameters)

10. For Schedule 2 (requirements for water bottled and labelled as “spring water” and bottled drinking water including concentration and value limits for microbiological, chemical and radioactive parameters) substitute the Schedule in Schedule 1.

Omission of Schedules 9 to 11 (audit monitoring, check monitoring and minimum sampling frequencies)

11. Omit—

- (a) Schedule 9 (properties, elements, substances and organisms, not being parameters, whose concentration or value in bottled drinking water and spring water must be determined by audit monitoring);
- (b) Schedule 10 (parameters, properties, elements, substances and organisms in relation to which check monitoring must be carried out);
- (c) Schedule 11 (minimum frequencies for sampling and analysis of spring water and bottled drinking water).

Insertion of Schedule 12 (monitoring provisions) and Schedule 13 (application of provisions of the Food Safety Act 1990)

12. At the appropriate places, insert the Schedules in Schedule 2 as Schedule 12 (monitoring of water bottled and labelled as “spring water” and bottled drinking water) and Schedule 13 (application and modification of provisions of the Food Safety Act 1990).

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Affairs