
STATUTORY INSTRUMENTS

2007 No. 2785

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

PART 5

Miscellaneous and supplemental

Enforcement

16.—^{F1}(1) Each relevant authority shall, within its area carry out periodic checks on any water which has been recognised as a natural mineral water to ensure that—

- (a) the composition, temperature and other essential characteristics of the water remain stable within the limits of natural fluctuation;
- (b) without prejudice to sub-paragraph (a), the composition, temperature and other essential characteristics of the water are unaffected by any variations in the rate of flow;
- (c) the viable colony count at source (before the water is subjected to any treatment) is reasonably constant, taking into account the qualitative and quantitative composition of the water considered in the recognition of the water and whether it continues to satisfy the requirements of Part 1 of Schedule 3; and
- (d) the requirements of Schedule 4 are met in relation to the water.]

(2) Each relevant authority shall, within its area, carry out periodic checks on any ozone-enriched air oxidation technique authorised by it pursuant to Schedule 1, to ensure that the requirements of that Schedule continue to be satisfied.

^{F2}(3) Each relevant authority shall, within its area, carry out periodic checks on any authorised activated alumina treatment in respect of which the authorisation was granted by it in accordance with Schedule 1A, to ensure that the requirements of that Schedule continue to be satisfied.

(4) Each food authority shall, within its area, execute and enforce these Regulations.

(5) For the purposes of carrying out the function referred to in paragraph (4) in relation to bottled drinking water and spring water each food authority shall—

- (a) subject to paragraph (6), carry out regular monitoring of the quality of any such water^{F3}, including checks to determine] whether—
 - ^{F4}(i)
 - ^{F5}(ii)
 - ^{F5}(iii)
 - ^{F5}(iv)
- (v) in the case where disinfection forms part of the preparation or distribution of the water concerned, the disinfection treatment applied is efficient and any

contamination from disinfection by-products is kept as low as is possible without compromising the disinfection;

- F6(b)
- F6(c)
- F6(d)

(6) The checks and monitoring referred to in paragraph (5)(a) ^{F7}... shall be carried out using samples representative of the quality of the water concerned consumed throughout the year in which the samples are taken.]

Textual Amendments

- F1 Reg. 16(1) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, 7
- F2 Reg. 16(3)-(6) substituted for reg. 16(3) (9.4.2010) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/433\)](#), regs. 1, 6
- F3 Words in reg. 16(5)(a) substituted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(a)(i)**
- F4 Reg. 16(5)(a)(i) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(England\) \(EU Exit\) Regulations 2019 \(S.I. 2019/150\)](#), regs. 1, **3(5)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F5 Reg. 16(5)(a)(ii)-(iv) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(a)(iii)**
- F6 Reg. 16(5)(b)-(d) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(b)**
- F7 Words in reg. 16(6) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(3)**

[^{F8}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.]

Textual Amendments

- F8 [Reg. 16A](#) inserted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), 7

Arrangements for samples taken for analysis

17.—(1) An authorised officer of a food authority who has procured a sample under section 29 of the Act and who considers that it should be analysed for the purposes of these Regulations shall deal with the sample in accordance with this regulation and for the purposes of this regulation “sample” includes one or more bottles of any water.

(2) The authorised officer shall forthwith divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall —

- (a) with respect to one part of the sample comply with paragraphs (3) to (6); and
 - (b) deal with the remaining parts in accordance with paragraph (7).
- (3) If the sample was purchased by the authorised officer, he shall give the part of the sample to the person from whom it was purchased.
- (4) If the sample is a sample of water brought into England and was taken by the authorised officer before delivery to a person who intends to sell that water in England, the officer shall give the part of the sample to that person.
- (5) If neither paragraph (3) nor paragraph (4) applies, the authorised officer shall give the part of the sample to the person appearing to be the owner of the water from which the sample was taken.
- (6) In every case to which paragraph (3), (4) or (5) applies, the authorised officer shall inform the person to whom the part of the sample is given that the sample was purchased or taken, as appropriate, for the purpose of analysis by a public analyst.
- (7) The authorised officer shall, unless he decides not to have an analysis made, submit one of the remaining parts of the sample for analysis in accordance with section 30 of the Act and retain the other.
- (8) Any part of a sample which under this regulation is to be given to any person may be given by delivering it to him or to his agent or by sending it to him by registered post or the recorded delivery service; but where after reasonable enquiry the authorised officer is unable to ascertain the name and address of the person to whom the part of the sample is to be given he may, in lieu of giving the part to that person, retain it.
- (9) If it appears to the authorised officer that any water, of which he has procured a sample for the purpose of analysis by a public analyst, was exploited or bottled by a person (not being a person to whom one part of the sample is required to be given by this regulation) having his name and an address in the United Kingdom displayed on the bottle or any other container, the officer shall, unless he decides not to have an analysis made, within three days of procuring the sample send to that person a notice informing him —
- (a) that the sample has been procured by the officer; and
 - (b) where the sample was taken or, as the case may be, from whom it was purchased.
- (10) Where a sample taken or purchased by an authorised officer has been analysed by a public analyst, any person to whom a part of the sample was given under this regulation shall be entitled, upon request to the food authority, to be supplied with a copy of the certificate of analysis by that authority.

Secondary analysis by the Government Chemist

- 18.**—(1) Where a part of a sample has been retained under regulation 17(7) and—
- (a) proceedings are intended to be or have been commenced against a person for an offence under these Regulations; and
 - (b) the prosecution intends to adduce as evidence the result of the analysis mentioned in regulation 17,
- paragraphs (2) to (7) apply.
- (2) The authorised officer—
- (a) may of his own volition;
 - (b) shall if requested by the prosecutor (if a person other than the authorised officer);
 - (c) shall if the court so orders; or
 - (d) shall (subject to paragraph (6)) if requested by the defendant,

send the retained part of the sample to the Government Chemist for analysis.

(3) The Government Chemist shall analyse the part sent to him under paragraph (2) and send to the authorised officer a certificate of analysis.

(4) Any certificate of analysis sent by the Government Chemist shall be signed by him or on his behalf, but the analysis may be carried out by a person under the direction of the person who signs the certificate.

(5) The authorised officer shall immediately on receipt supply the prosecutor (if a person other than the authorised officer) and the defendant with a copy of the Government Chemist's certificate of analysis.

(6) Where a request is made under paragraph (2)(d) the authorised officer may give notice in writing to the defendant requesting payment of a fee specified in the notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3), and in the absence of agreement by the defendant to pay the fee specified in the notice the authorised officer may refuse to comply with the request.

(7) In this regulation “defendant” includes a prospective defendant.

Methods of analysis

^{F9}19.

Textual Amendments
F9 Reg. 19 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(a)**

Offences and penalties

^{F10}20.

Textual Amendments
F10 Reg. 20 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(b)**

Defences

^{F11}21.

Textual Amendments
F11 Reg. 21 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(c)**

Application of the Act

[^{F12}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.]

Textual Amendments

- F12** Reg. 22 substituted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **9**

Revocation

- 23.** The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 are revoked in so far as they apply to England.

Changes to legislation:

There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007, PART 5.