
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 365

The Natural Mineral Water, Spring Water and Bottled
Drinking Water Regulations (Northern Ireland) 2015

PART 6

Enforcement and miscellaneous provisions

Enforcement

32. Each district council must execute and enforce these Regulations in its district.

Application of the Order: Improvement Notices

33.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply subject to paragraphs (2) and (3) and with the modification (in the case of Article 9(1)) specified in Part 1 of Schedule 12 for the purposes of enabling an improvement notice to be served on a person requiring that person to comply with any of the provisions specified in that modification and making the failure to comply with an improvement notice an offence.

(2) An authorised officer must not serve an improvement notice under Article 9(1) of the Order, as applied and modified by this regulation and Part 1 of Schedule 12 if—

- (a) the improvement notice would relate to water bottled and labelled before 28th November 2015; and
- (b) the matters constituting the alleged contravention would not have constituted an offence under the Regulations listed in regulation 36.

(3) If water bottled and labelled as “spring water” or bottled drinking water does not meet the requirements of paragraph 1(c) of Part 1 of Schedule 7 an authorised officer must not serve an improvement notice under Article 9(1) of the Order as applied and modified by this regulation, as read with Schedule 12 if—

- (a) the water was bottled or sold in an EEA State ^{F1}...; and
- (b) the water complied with the law in that EEA State when it was bottled or sold.

(4) Paragraph (1) is without prejudice to the application of the Order to these Regulations for purposes other than those specified in paragraph 1.

Textual Amendments

- F1** Words in [reg. 33\(3\)\(a\)](#) omitted (30.12.2020) by virtue of [The Food \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/286\)](#), regs. 1, **3(4)**

Application of other provisions of the Order

34.—(1) Article 33 of the Order (powers of entry) applies, with the modification (in the case of Article 33(1)) specified in Part 2 of Schedule 12 for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of Regulation 115/2010 specified in Schedule 12;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under Article 33, as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(2) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Part 3 of Schedule 12 for the purpose of enabling a decision to serve a notice referred to in Regulation 33(1) to be appealed.

(3) The provisions of the Order specified in column 1 of the table in Part 4 of Schedule 12 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

(4) Paragraphs (1) to (3) are without prejudice to the application of the Order to these Regulations for purposes other than those specified in those paragraphs.

Savings and transitional provisions

35.—(1) Any recognition of water as natural mineral water granted under the Natural Mineral Waters Regulations (Northern Ireland) 1985, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999, or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 and subsisting on the date that these Regulations come into operation must—

- (a) in the case of water extracted from the ground in Northern Ireland, be treated as if it were recognition granted by the district council under regulation 4(2)(a); and
- (b) in the case of water extracted from the ground in a country other than an EEA State, be treated as if it were recognition granted by the Agency under regulation 4(2)(d)(i).

(2) The revocation of the Regulations listed in regulation 36 does not affect the validity of any authorisation, recognition or notification made or given by the Agency or the district council under those Regulations, and any such authorisation, recognition or notification continues in effect.

(3) Where an application has been made under the Regulations listed in regulation 36 to a district council for recognition of water as natural mineral water, the application is to be treated as if it had been made under these Regulations.

Revocations

36. The following Regulations are revoked—

- (a) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 ^{M1};
- (b) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2009 ^{M2};
- (c) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2010 ^{M3};
- (d) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (No.2) Regulations (Northern Ireland) 2010 ^{M4}; and

- (e) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2011 ^{M5}

Marginal Citations

- M1** S.R. [2007 No. 420](#), amended by S.R. [2009 No. 260](#), S.R. 2010 Nos. 68 and 127 and S.R. [2011 No. 53](#)
M2 S.R. [2009 No. 260](#)
M3 S.R. [2010 No. 68](#), amended by S.R. [2010 No. 127](#)
M4 S.R. [2010 No. 127](#)
M5 S.R. [2011 No. 53](#)

Consequential Amendments

37. Schedule 13 (consequential amendments) has effect.

Changes to legislation:

There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015, PART 6.