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STATUTORY INSTRUMENTS

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**1994 No. 743**

**FOOD**

**The Drinking Water in Containers Regulations 1994**

<i>Made</i>	- - - -	<i>11th March 1994</i>
<i>Laid before Parliament</i>		<i>15th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations:

**Title and commencement**

1. These Regulations may be cited as the Drinking Water in Containers Regulations 1994 and shall come into force on 1st April 1994.

**Interpretation**

2.—(1) In these Regulations, except where 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, and “bottle”, the verb, and cognate expressions, shall be construed accordingly;

“drinking water” means water intended for sale for human consumption in any bottle;

“parameter” means a property, element, organism or substance listed in the second column of the Tables in Part II of the Schedule to these Regulations;

“pesticides and related products” means any fungicide, herbicide or insecticide and polychlorinated biphenyls and terphenyls;

“prescribed concentration or value”, in relation to any parameter, means the maximum concentration or value specified in relation to that parameter in the Tables in Part II of the Schedule to these Regulations as measured by reference to the unit of measurement so specified;

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act.

“sell” includes possess for sale, or offer or expose or advertise for sale, and “sale” shall be construed accordingly.

### **Exemptions**

3. These Regulations shall not apply to any drinking water which—
  - (a) is recognised as a natural mineral water under the Natural Mineral Waters Regulations 1985(2); or
  - (b) is a medicinal product within the meaning of the Medicines Act 1968(3) in respect of which a product licence within the meaning of that Act is for time being in force.

### **Bottling or sale of drinking water**

4.—(1) No person shall bottle or sell any drinking water unless it satisfies the requirements of the Schedule to these Regulations.

(2) The concentrations or values of the parameters listed in the Tables in Part II of the Schedule shall be read in conjunction with the notes thereto.

(3) The methods of analysis to be used for the purposes of these Regulations shall accord with the requirements of Article 12(5) of Council Directive 80/778/EEC relating to the quality of water intended for human consumption(4).

(4) If any person contravenes paragraph (1) of this regulation he shall be guilty of an offence.

### **Defence in relation to exports**

5. In any proceedings for an offence under regulation 4 of these Regulations it shall be a defence for the person charged to prove that the drinking water, in respect of which the offence is alleged to have been committed, was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence.

### **Penalties**

6. A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Enforcement**

7. Each food authority shall enforce and execute these Regulations within its area.

### **Application of various provisions of the Food Safety Act 1990**

8.—(1) The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale”, etc.);
- (b) section 3 (presumptions that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);

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(2) S.I.1985/71; to which there are amendments not relevant to these Regulations.

(3) 1968 c. 67; section 130 which contains the definition of “medicinal product” was amended by the Animal Health and Welfare Act 1984 (c. 40), sections 13(2), 16, Schedule 1, paragraph 3(7) to (10), and Schedule 2.

(4) OJ No. L 229, 30.8.80, p. 11.

- (d) section 21 (defence of due diligence);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 36 (offences by bodies corporate);
- (h) section 44 (protection of officers acting in good faith).

(2) Section 8(3) (which makes presumptions in the case of batches, etc. of food) of the Act shall apply to drinking water which it is an offence to bottle or sell under these Regulations as it applies to food which fails to comply with food safety requirements.

(3) Section 9 (inspection and seizure of suspect food) of the Act shall apply to drinking water which it is an offence to bottle or sell under these Regulations as it applies to food which fails to comply with food safety requirements.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th February 1994.(1s)

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

1st March 1994

*Cumberlege*  
Parliamentary Under-Secretary of State,  
Department of Health

11th March 1994

*John Redwood*  
Secretary of State for Wales

2nd March 1994

*Hector Monro*  
Parliamentary Under-Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## THE SCHEDULE

Regulation 4(1)

REQUIREMENTS OF DRINKING WATER INCLUDING  
PRESCRIBED CONCENTRATIONS OR VALUES OF PARAMETERS

## PART I:

## REQUIREMENTS OF DRINKING WATER

Drinking water satisfies the requirements of this Schedule where—

1. the drinking water does not contain any property, element, organism or substance—
  - (a) (other than a parameter) at a concentration or value which would be injurious to health;
  - (b) (whether or not a parameter) at a concentration or value which in conjunction with any other property, element, organism or substance it contains (whether or not a parameter) would be injurious to health;
2. the drinking water does not contain—
  - (a) concentrations or values of any of the parameters listed in Tables A to D in Part II of this Schedule in excess of the prescribed concentrations or values;
  - (b) concentrations of trihalomethanes (being the aggregate of the concentrations of trichloromethane, dichlorobromomethane, dibromochloromethane and tribromomethane) in excess of 100 µg/l;
3. in the case of drinking water prepared from water which has been softened or desalinated, its hardness is not below a minimum concentration of 60 mg Ca/l and its alkalinity is not below a minimum concentration of 30 mg HCO<sub>3</sub>/l.

## PART II:

## PRESCRIBED CONCENTRATIONS OR VALUES

TABLE A

Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Concentration or Value (maximum unless otherwise stated)
1.	Colour	mg/l Pt/Co scale	20
2.	Turbidity (including suspended solids)	Formazin turbidity units	4
3.	Odour (including hydrogen sulphide)	Dilution number	3 at 25°C
4.	Taste	Dilution number	3 at 25°C
5.	Temperature	°C	25

Note

- (i) If silver is used in a water treatment process, 80 may be substituted for 10.

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Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Concentration or Value (maximum unless otherwise stated)
6.	Sulphate	mg SO <sub>4</sub> /l	250
7.	Magnesium	mg Mg/l	50
8.	Sodium	mg Na/l	150
9.	Potassium	mg K/l	12
10.	Dry residues	mg/l	1500(after drying at 180°C)
11.	Nitrate	mg NO <sub>3</sub> /l	50
12.	Nitrite	mg NO <sub>2</sub> /l	0.1
13.	Ammonium (ammonia and ammonium ions)	mg NH <sub>4</sub> /l	0.5
14.	Kjeldahl nitrogen	mg N/l	1
15.	Oxidizability (permanganate value)	mg O <sub>2</sub> /l	5
16.	Total organic carbon	mg C/l	No significant increase over that normally observed
17.	Dissolved or emulsified hydrocarbons (after extraction with petroleum ether); mineral oils	µg/l	10
18.	Phenols	µg C <sub>6</sub> H <sub>5</sub> OH/l	0.5
19.	Surfactants	µg/l (as lauryl sulphate)	200
20.	Aluminium	µg Al/l	200
21.	Iron	µg Fe/l	200
22.	Manganese	µg Mn/l	50
23.	Copper	µg Cu/l	3000
24.	Zinc	µg Zn/l	5000
25.	Phosphorus	µg P/l	2200
26.	Fluoride	µg F/l	1500
27.	Silver	µg Ag/l	10 <sup>(i)</sup>

Note

(i) If silver is used in a water treatment process, 80 may be substituted for 10.

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**TABLE B**

Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Maximum Concentration
1.	Arsenic	µg As/l	50
2.	Cadmium	µg Cd/l	5
3.	Cyanide	µg CN/l	50
4.	Chromium	µg Cr/l	50
5.	Mercury	µg Hg/l	1
6.	Nickel	µg Ni/l	50
7.	Lead	µg Pb/l	50
8.	Antimony	µg Sb/l	10
9.	Selenium	µg Se/l	10
10.	Pesticides and related products:		
	(a) <del>(a)</del> individual substances	µg/l	0.1
	(b) (b) total substances <sup>(i)</sup>	µg/l	0.5
11.	Polycyclic aromatic hydrocarbons <sup>(ii)</sup>	µg/l	0.2

## Notes

- (i) The sum of the detected concentrations of individual substances.
- (ii) The sum of the detected concentrations of fluoranthene, benzo 3.4 fluoranthene, benzo 11.12 fluoranthene, benzo 3.4 pyrene, benzo 1.12 perylene and indeno (1,2,3—cd) pyrene.

**TABLE C**

Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Maximum Concentration
1.	Total coliforms	number/100 ml	0
2.	Faecal coliforms	number/100 ml	0
3.	Faecal streptococci	number/100 ml	0
4.	Sulphite-reducing clostridia	number/20 ml	≤1 <sup>(i)</sup>

## Note

- (i) Analysis by multiple tube method.
- (ii) The total viable colony count should be measured within 12 hours of bottling with the sample water being kept at a constant temperature during that 12-hour period. Any increase in the total viable colony count of the water between 12 hours after bottling and the time of sale shall not be greater than that normally expected.

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Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Maximum Concentration
5.	Colony counts	number/1 ml at 22°C number/1 ml at 37°C	100 <sup>(ii)</sup> 20 <sup>(ii)</sup>

Note

(i) Analysis by multiple tube method.

(ii) The total viable colony count should be measured within 12 hours of bottling with the sample water being kept at a constant temperature during that 12-hour period. Any increase in the total viable colony count of the water between 12 hours after bottling and the time of sale shall not be greater than that normally expected.

**TABLE D**

Column 1 Item	Column 2 Parameters	Column 3 Units of Measurement	Column 4 Maximum Concentration or Value
1.	Conductivity	µS/cm	1500 at 20°C
2.	Chloride	mg Cl/l	400
3.	Calcium	mg Ca/l	250
4.	Substances extractable in chloroform	mg/l dry residue	1
5.	Boron	µg B/l	2000
6.	Barium	µg Ba/l	1000
7.	Benzo 3.4 pyrene	ng/l	10
8.	Tetrachloromethane	µg/l	3
9.	Trichloroethene	µg/l	30
10.	Tetrachloroethene	µg/l	10

### EXPLANATORY NOTE

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

These Regulations, which apply to Great Britain, implement the provisions of Council Directive [80/778/EEC](#) (OJNo. L 229, 30.8.80, p. 11) relating to the quality of water intended for human consumption, in relation to drinking water which is bottled or sold in a bottle (as defined in regulation 2).

These Regulations do not apply to natural mineral waters or medicinal products (regulation 3).

The Regulations—

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- (a) prescribe the quality standards for drinking water sold in a bottle and provide that the bottling or sale of drinking water which fails to comply with any of those standards is an offence (regulation 4);
- (b) provide a defence to a person who proves that the drinking water in respect of which the offence is alleged to have been committed was intended for export and complied with the importing country's domestic legislation corresponding to that alleged offence (regulation 5);
- (c) prescribe penalties upon conviction of an offence (regulation 6);
- (d) require the food authorities to enforce the Regulations (regulation 7);
- (e) apply specified provisions of the Food Safety Act 1990 (regulation 8).

A copy of the Compliance Cost Assessment made for these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Consumer Protection Division of the Ministry of Agriculture, Fisheries and Food at Ergon House, 17 Smith Square, London SW1P 3JR.