
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 420

**The Natural Mineral Water, Spring Water and Bottled
Drinking Water Regulations (Northern Ireland) 2007**

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 and shall come into operation on 31st October 2007.

Commencement Information

II Reg. 1 in operation at 31.10.2007, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations —

“advertisement” shall have the same meaning as that given in Regulation 2(1) of the Food Labelling Regulations (Northern Ireland) 1996⁽¹⁾;

“the Agency” means the Food Standards Agency;

“authorised ozone-enriched air oxidation technique” means—

- (a) a treatment with ozone-enriched air authorised and carried out in accordance with Schedule 1; or
- (b) in the case of water brought into Northern Ireland from other parts of the United Kingdom or from another EEA State a treatment which complies with Article 5 of Directive 2003/40 as implemented in that part of the United Kingdom or that EEA State;

“bottle” means a closed container of any kind in which water is sold for drinking by humans or from which water sold for drinking by humans is derived;

“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⁽²⁾ as amended by Directive [96/70/EC](#) of the European Parliament and of the Council⁽³⁾;

(1) [S.R. 1996 No.383](#), to which there are amendments not relevant to these Regulations

(2) OJNo. L229, 30.8.80, p.1, as last amended by Regulation [\(EC\) No. 1882/2003](#) of the European Parliament and of the Council adapting to Council Decision [1999/468/EC](#) the provisions relating to Committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty (OJ No. L284, 31.10.2003, p.1)

(3) OJ No L229, 23.11.96, p.26

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“Directive 98/83” means Council Directive [98/83/EC](#) relating to the quality of water intended for human consumption⁽⁴⁾;

“Directive 2003/40” means Commission Directive [2003/40/EC](#) establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters⁽⁵⁾;

“drinking water” means water which is intended for sale for drinking by humans other than —

- (a) natural mineral water; or
- (b) water bottled in a bottle marked or labelled “spring water” in accordance with regulation 11;

“EEA State” means a State which is a Contracting Party to the agreement on the European Economic Area⁽⁶⁾ signed at Oporto on 2nd May 1992, as adjusted by the Protocol⁽⁷⁾ signed at Brussels on 17th March 1993;

“effervescent natural mineral water” means natural mineral water which, at source or after bottling, gives off carbon dioxide spontaneously and in a clearly visible manner under normal conditions of temperature and pressure;

“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 on account of the following characteristics having been preserved intact because of the underground origin of the water, which origin shall have been protected from all risk of pollution—
 - (i) its nature, which is characterised by its mineral content, trace elements or other constituents and, where appropriate, by certain effects,
 - (ii) its original state; and
- (d) is for the time being recognised pursuant to and in accordance with regulation 4;

“parameter” means a property, element, organism or substance listed in the second column of any Table in Part 2 of Schedule 2;

“prescribed concentration or value”, in relation to any parameter, means the concentration or value specified in relation to that parameter in any Table in Part 2 of Schedule 2 as measured by reference to the unit of measurement so specified;

“sell” includes possess for sale and offer, expose or advertise for sale; and

“the Order” means the Food Safety (Northern Ireland) Order 1991:

(2) Other expressions used both in these Regulations and in Directive 80/777 or Directive 98/83 have the same meaning in these Regulations as they bear in the Directive concerned.

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

(4) Any reference in these Regulations to the marking or labelling of a bottle includes both marking or labelling done before any water is bottled and marking or labelling done after bottling.

(4) OJ No. L330, 5.12.98, p.32

(5) OJ No. L126, 22.5.03, p.34

(6) OJ No. L1, 3.1.94, p.1

(7) OJ No. L1, 3.1.94, p.571

Commencement Information

I2 Reg. 2 in operation at 31.10.2007, see [reg. 1](#)

Exemptions

- 3.—**(1) These Regulations do not apply to any water which —
- (a) has a product licence issued under the provisions of the Medicines Act 1968⁽⁸⁾, or a marketing authorisation within the meaning of the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994⁽⁹⁾, or a marketing authorisation within the meaning of the Veterinary Medicines Regulations 2005⁽¹⁰⁾;
 - (b) is a natural mineral water which is used at source for curative purposes in thermal or hydromineral establishments;
 - (c) is not intended for sale for drinking by humans; or
 - (d) is a natural mineral water intended for export to a country other than an EEA State.
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

Commencement Information

I3 Reg. 3 in operation at 31.10.2007, see [reg. 1](#)

PART 2

Natural mineral water

Recognition as natural mineral water

- 4.—**(1) Water is recognised as natural mineral water where —
- (a) in the case of water extracted from the ground in Northern Ireland, recognition is granted by a district council in accordance with Part 1 of Schedule 3;
 - (b) in the case of water extracted from the ground in another part of the United Kingdom, it is recognised there pursuant to Directive 80/777 by a responsible authority of that part of the United Kingdom;
 - (c) in the case of water extracted from the ground in an EEA State other than the United Kingdom, it is recognised there pursuant to Directive 80/777 by a responsible authority of that EEA State; and
 - (d) in the case of water extracted from the ground in a country other than an EEA State —
 - (i) it is recognised by the Agency, in accordance with Part 2 of Schedule 3, or
 - (ii) it has an equivalent recognition, given by a responsible authority of —
 - (aa) another part of the United Kingdom; or
 - (bb) an EEA State other than the United Kingdom.

⁽⁸⁾ 1968 c. 67

⁽⁹⁾ S.I. 1994/3144; to which there are amendments not relevant to these Regulations

⁽¹⁰⁾ S.I. 2005/2745

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(2) Where, in relation to any water that has been recognised under paragraph (1)(a) or (d)(i), it is found —

- (a) by analysis in accordance with Part 3 of Schedule 3, that the requirements of paragraph 3 of that Part are not met;
- (b) that the requirements of Schedule 4 are not met; or
- (c) that the content of the water is not in accordance with paragraph 2(c) of Part 1 or, as the case may be, paragraph 2(c) in Part 2 in Schedule 3,

the district council or, as the case may be, the Agency, may withdraw that recognition until such time as the requirements concerned are met.

(3) Where—

- (a) a district council declines to grant or withdraws recognition of a water; or
- (b) the Agency declines to grant or withdraws recognition of a water,

the person who exploits or wishes to exploit the spring from which that water emerges or, if different, the person who owns the land on which that spring is situated, may apply to the Agency for a review of that decision.

(4) Upon an application for review of a decision being made under paragraph (3), the Agency shall make such inquiry into the matter as may seem to it to be appropriate, and, having considered the results of that inquiry and any relevant facts elicited by it, shall either—

- (a) confirm the decision; or
- (b) direct the district council to grant or restore, or itself restore, as appropriate, recognition of the water in question.

(5) A person who exploits a spring from which there is extracted water which is recognised as a natural mineral water in accordance with paragraph 1(a) or (d)(i), may apply to the district council or the Agency, as appropriate, to have that recognition withdrawn.

(6) Where a district council—

- (a) grants, restores or withdraws recognition, it shall immediately inform the Agency of that fact;
- (b) is notified of any change to the trade description of a natural mineral water or to the name of a spring from which natural mineral water has been extracted, it shall immediately inform the Agency of that change; or
- (c) is directed by the Agency under paragraph (4)(b) to grant or restore recognition, it shall immediately comply with that direction.

(7) Any recognition of water as a natural mineral water granted under the Natural Mineral Waters Regulations (Northern Ireland) 1985⁽¹¹⁾ or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999⁽¹²⁾ and subsisting on the date that these Regulations come into operation shall—

- (a) in the case of water extracted from the ground in Northern Ireland, be treated as if it were recognition granted by a district council under paragraph (1)(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 paragraph (1)(d)(i).

(8) The publication in the Official Journal of the European Union of the name of any water as a natural mineral water recognised in the Community for the purposes of Directive 80/777 shall,

⁽¹¹⁾ S.R. 1985 No.120, revoked by S.R. 1999 No.301

⁽¹²⁾ S.R. 1999 No.301, as amended by S.R. 2003 No.182 and S.R. 2004 No.115

save where recognition was granted in accordance with Schedule 3, be conclusive evidence that that water is recognised for the purposes of that Directive.

(9) Schedule 5 shall have effect for the purposes specified for it in Schedule 3.

Commencement Information

I4 Reg. 4 in operation at 31.10.2007, see [reg. 1](#)

Exploitation of natural mineral water springs

5.—(1) A person shall not exploit any spring for the purpose of marketing the water from it as natural mineral water unless—

- (a) the water extracted from that spring is natural mineral water;
- (b) a district council has given permission for that spring to be exploited; and
- (c) the requirements of Schedule 4 are met.

(2) Where it is found during exploitation that natural mineral water is polluted and that bottling of the water would contravene paragraph 6, 7 or 8 of Schedule 4, a person shall not exploit the spring from which the water is extracted until the cause of the pollution is eradicated and the bottling of the water would comply with those paragraphs.

Commencement Information

I5 Reg. 5 in operation at 31.10.2007, see [reg. 1](#)

Treatments and additions for natural mineral water

6.—(1) A person shall not subject natural mineral water in its state at source to—

- (a) any treatment other than—
 - (i) an authorised ozone-enriched air oxidation technique,
 - (ii) the separation of its unstable elements, such as iron and sulphur compounds, by filtration or decanting, whether or not preceded by oxygenation, in so far as the treatment does not alter the composition of the water as regards the essential constituents which give it its properties, or
 - (iii) the total or partial elimination of free carbon dioxide by exclusively physical methods; or
- (b) any addition other than the introduction (b) the reintroduction of carbon dioxide to produce effervescent natural mineral water.

(2) Paragraph (1) shall not prevent the use of natural mineral water in the manufacture of soft drinks.

Commencement Information

I6 Reg. 6 in operation at 31.10.2007, see [reg. 1](#)

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Bottling of natural mineral water

7.—(1) A person shall not bottle any natural mineral water which, at the time of bottling, contains any substance listed in Schedule 6 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

(2) The methods used for detection of the substances listed in Schedule 6 shall conform to the performance characteristics for analysis specified in Schedule 7.

(3) A person shall not bottle any natural mineral water which does not meet the requirements of Schedule 4.

(4) A person shall not bottle any natural mineral water in any container other than a container which is fitted with closures designed to avoid any possibility of adulteration or contamination.

Commencement Information

I7 Reg. 7 in operation at 31.10.2007, see [reg. 1](#)

Marking, labelling and advertising of natural mineral water

8.—(1) A person shall not cause a natural mineral water to be bottled in a bottle marked or labelled with—

- (a) a trade description which includes the name of a locality, hamlet or other place, unless that trade description refers to a natural mineral water the spring of which is exploited at the place indicated by that description and is not misleading as regards the place of exploitation of the spring;
- (b) a trade description which is different from the name of the spring or the place of its exploitation, unless the place of exploitation or the name of the spring is also marked or labelled on the bottle, using letters at least one and a half times the height and width of the largest of the letters used for that trade description;
- (c) any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity;
- (d) any indication other than those specified in sub-paragraphs (f) and (g) attributing to the natural mineral water properties relating to the prevention, treatment or cure of a human illness;
- (e) any indication listed in column 1 of the Table in Schedule 8, except where the natural mineral water meets the criterion so listed and corresponding to that indication;
- (f) the indication “may be diuretic” or “may be laxative” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological or clinical examination, as appropriate;
- (g) the indication “stimulates digestion” or “may facilitate the hepato-biliary functions” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological and clinical examination; or
- (h) a sales description other than—
 - (i) in the case of an effervescent natural mineral water, one of the following, as appropriate—

- (aa) “naturally carbonated natural mineral water” to describe water whose content of carbon dioxide from the spring after decanting, if any, and bottling is the same as at source, taking into account where appropriate the reintroduction of a quantity of carbon dioxide from the same water table or deposit equivalent to that released in the course of those operations and subject to the usual technical tolerances;
 - (bb) “natural mineral water fortified with gas from the spring” to describe water whose content of carbon dioxide from the water table or deposit after decanting, if any, and bottling is greater than that established at source; or
 - (cc) “carbonated natural mineral water” to describe water to which has been added carbon dioxide of an origin other than the water table or deposit from which the water comes.
 - (ii) in the case of a natural mineral water other than an effervescent natural mineral water, “natural mineral water”.
- (2) A person shall not cause natural mineral water to be bottled in a bottle unless the bottle is marked or labelled with —
 - (a) a statement of analytical composition indicating the characteristic constituents of the water;
 - (b) the name of the place where the spring is exploited and the name of the spring;
 - (c) in any case where it has undergone the treatment of total or partial elimination of free carbon dioxide by exclusively physical methods, the indication “fully de-carbonated” or “partially de-carbonated”, as appropriate;
 - (d) in any case where it has undergone an authorised ozone-enriched air oxidation technique, the words “water subjected to an authorised ozone-enriched air oxidation technique”, which shall appear in proximity to the analytical composition of characteristic constituents; and
 - (e) in any case where its fluoride concentration exceeds 1.5 mg/l—
 - (i) the words “contains more than 1.5 mg/l of fluoride: not suitable for regular consumption by infants and children under 7 years of age”, which shall appear in proximity to the trade name and in clearly visible characters, and
 - (ii) the actual fluoride content in relation to the physico-chemical composition, which shall be included within the statement referred to in paragraph (2)(a).
- (3) Where, in accordance with paragraph (1)(b), a bottle containing a natural mineral water is required to be marked or labelled with the place of exploitation or the name of the spring—
 - (a) the same requirement shall also apply to any written advertisement for that natural mineral water; and
 - (b) in any other advertisement, at least equivalent prominence shall be given to the place of exploitation or the name of the spring as is given to the trade description.
- (4) A person shall not advertise any natural mineral water under any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity.
- (5) A person shall not advertise any natural mineral water in contravention of paragraph (3).

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Commencement Information

18 Reg. 8 in operation at 31.10.2007, see [reg. 1](#)

Sale of natural mineral water

9.—(1) A person shall not sell any water bottled in a bottle the marking or labelling of which uses the name “natural mineral water” in or as the name of the water unless that water is natural mineral water.

- (2) A person shall not sell any bottled natural mineral water —
- (a) which contains—
 - (i) Parasites or pathogenic micro-organisms,
 - (ii) Escherichia coli or other coliforms and faecal streptococci in any 250 ml sample examined,
 - (iii) Sporulated sulphite-reducing anaerobes in any 50 ml sample examined, or
 - (iv) Pseudomonas aeruginosa in any 250 ml sample examined;
 - (b) where the total colony count of the water at the source from which that water was taken does not comply with paragraph 7 of Schedule 4;
 - (c) where the revivable total colony count of that water is in excess of that which would result from the normal increase in the bacteria content which it had at source; or
 - (d) where that water contains any organoleptic defect.
- (3) A person shall not sell any bottled natural mineral water—
- (a) which has been extracted from a spring which is exploited in contravention of regulation 5;
 - (b) which has been subjected to any treatment or addition in contravention of regulation 6; or
 - (c) which is marked or labelled in contravention of regulation 8.
- (4) A person shall not sell any natural mineral water from one and the same spring under more than one trade description.

Commencement Information

19 Reg. 9 in operation at 31.10.2007, see [reg. 1](#)

PART 3

Spring water

Bottling of spring water and exploitation of spring water springs

10.—(1) A person shall not cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless that water —

- (a) has been extracted from a spring; and
- (b) meets the requirements of Schedules 2 and 4.

(2) A person shall not cause any water which has been treated with ozone-enriched air to be bottled in a bottle marked or labelled spring water, unless that treatment is an authorised ozone-enriched air oxidation technique.

(3) Where it is found during exploitation that spring water is polluted and that bottling of the water would contravene paragraph 6, 7 or 8 of Schedule 4, a person shall not exploit the spring from which the water is extracted until the cause of the pollution is eradicated and the bottling of the water would comply with those paragraphs.

Commencement Information

I10 Reg. 10 in operation at 31.10.2007, see [reg. 1](#)

Marking, labelling and advertising of spring water

11.—(1) A person shall not cause any bottle to be marked or labelled with the description “spring water” unless the water contained in it—

- (a) is bottled as specified in regulation 10; and
- (b) is intended for consumption in its natural state.

(2) A person shall not cause any bottle containing water and marked or labelled with the description “spring water” to be marked or labelled with—

- (a) a trade description including the name of a locality, hamlet or other place, unless that trade description refers to water the spring of which is exploited at the place indicated by that description and is not misleading as regards the place of exploitation of the spring; or
- (b) a trade description that is different from the name of the spring or the place of its exploitation unless the place of exploitation or the name of the spring is also marked or labelled on the bottle, using letters at least one and a half times the height and width of the largest of the letters used for that trade description.

(3) A person shall not cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless the bottle is also marked or labelled with—

- (a) the name of the place where the spring in question is exploited; and
- (b) the name of the spring; and
- (c) in any case where the water has undergone an authorised ozone-enriched air oxidation technique, the words “water subjected to an authorised ozone-enriched air oxidation technique” which words shall appear in proximity to the particulars referred to in subparagraphs (a) and (b).

(4) Where in accordance with paragraph (2)(b) a bottle containing spring water is required to be marked or labelled with the place of exploitation or the name of the spring—

- (a) the same requirement shall also apply to any written advertisement for that spring water; and
- (b) in any other advertisement, at least equivalent importance shall be given to the place of exploitation or the name of the spring as is given to the trade description.

(5) A person shall not advertise any spring water in contravention of paragraph (4).

Commencement Information

I11 Reg. 11 in operation at 31.10.2007, see [reg. 1](#)

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Sale of spring water

12.—(1) A person shall not sell any water bottled in a bottle marked or labelled with the description “spring water”—

- (a) which has not been bottled in accordance with regulation 10; or
- (b) which is not marked or labelled in accordance with regulation 11.

(2) A person shall not sell water from one and the same spring, bottled in a bottle marked or labelled with the description “spring water”, under more than one trade description.

Commencement Information

I12 Reg. 12 in operation at 31.10.2007, see [reg. 1](#)

PART 4

Bottled drinking water

Bottling of drinking water

13. A person shall not cause any drinking water to be bottled unless that water meets the requirements of Schedule 2.

Commencement Information

I13 Reg. 13 in operation at 31.10.2007, see [reg. 1](#)

Marking, labelling and advertising of bottled drinking water

14. A person shall not—

- (a) cause any drinking water which does not satisfy the provisions of Section I of Annex I to be bottled in a bottle marked or labelled with—
 - (i) any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is liable to cause confusion of the water with a natural mineral water, or
 - (ii) the description “mineral water”; or
- (b) cause any bottled drinking water which does not satisfy the provisions of Section I of Annex I to be advertised under—
 - (i) any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is liable to cause confusion of the water with a natural mineral water, or
 - (ii) the description “mineral water”.

Commencement Information

I14 Reg. 14 in operation at 31.10.2007, see [reg. 1](#)

Sale of bottled drinking water

15. A person shall not sell any bottled drinking water which—
- (a) has not been bottled in accordance with regulation 13; or
 - (b) has not been marked or labelled in accordance with regulation 14.

Commencement Information

I15 Reg. 15 in operation at 31.10.2007, see [reg. 1](#)

PART 5

Miscellaneous and supplemental

Enforcement

16.—(1) Each district council shall, within its district, 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) above, 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 district council shall, within its district, 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.

- (3) Each district council shall, within its district—
 - (a) enforce and execute these Regulations; and
 - (b) for the purposes of carrying out that function, take the steps required of member States and competent authorities by Article 7.1, 7.2, 7.3, and 7.6 of Directive 98/83 in relation to products to which that Directive and these Regulations apply.

Commencement Information

I16 Reg. 16 in operation at 31.10.2007, see [reg. 1](#)

Arrangements for samples taken for analysis

17.—(1) An authorised officer of a district council who has procured a sample under Article 29 of the Order 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.

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(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 Northern Ireland and was taken by the authorised officer before delivery to a person who intends to sell that water in Northern Ireland, 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 Article 30 of the Order 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 relevant district council, to be supplied with a copy of the certificate of analysis by that district council.

Commencement Information

I17 Reg. 17 in operation at 31.10.2007, see [reg. 1](#)

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.

Commencement Information

I18 Reg. 18 in operation at 31.10.2007, see [reg. 1](#)

Methods of analysis

19. Methods of analysis which accord with Article 7.5 of Directive 98/83 shall be used for the purposes of determining whether or not water satisfies the provisions of Schedule 2.

Commencement Information

I19 Reg. 19 in operation at 31.10.2007, see [reg. 1](#)

Offences and penalties

20. A person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if he contravenes regulation 5, 6(1), 7(1), (3), or (4), 8, 9, 10, 11, 12, 13, 14, 15 or 22(3).

Commencement Information

I20 Reg. 20 in operation at 31.10.2007, see [reg. 1](#)

Defences

21.—(1) In any proceedings for an offence under these Regulations it shall be a defence for the accused to prove that —

- (a) the water was bottled and marked or bottled and labelled before these Regulations came into operation; and
- (b) under the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999, no offence would have been committed by him.

(2) In any proceedings for an offence under these Regulations where it is alleged that water does not meet the requirements in paragraph 1(c) of Part 1 of Schedule 2, it shall be a defence for the person accused to prove that—

- (a) the water in question was bottled or sold in an EEA State other than the United Kingdom; and
- (b) the water complied with the law in that EEA State when it was bottled or sold.

Commencement Information

I21 Reg. 21 in operation at 31.10.2007, see [reg. 1](#)

Application of other provisions

22.—(1) The following provisions of the Order shall apply for the purposes of these Regulations and, any reference in those provisions to the Order or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations —

- (a) Articles 2(4) and 3 (extended meaning of “sale” etc.);
- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence) as it applies for the purposes of Articles 13 or 14;
- (e) Article 21 (defence of publication in the course of business);
- (f) Article 30(8) (which relates to documentary evidence);
- (g) Article 34(1) (obstruction etc. of officers);
- (h) Article 34(2), with the modification that the reference to “any such requirement as is mentioned in paragraph 1(b)” shall be deemed to be a reference to any such requirement as is mentioned in that paragraph as applied by sub-paragraph (g)
- (i) Article 36(1) (punishment of offences) in so far as it relates to offences under Article 34(1) as applied by sub-paragraph (g);
- (j) Article 36(2) and (3) insofar as they relate to offences under Article 34(2) as applied by sub-paragraph (h); and
- (k) Article 43 (protection of public analyst acting in good faith).

(2) Regulation 38 (intelligibility) of the Food Labelling Regulations (Northern Ireland) 1996 shall apply to any name, description, indication, information or other wording with which water is required or permitted by these Regulations to be marked or labelled, as it applies to particulars required to be labelled under the Food Labelling Regulations (Northern Ireland) 1996.

(3) A person shall not sell any water to which these Regulations apply if the bottle in which it is bottled is not marked or labelled in accordance with regulation 38 of the Food Labelling Regulations (Northern Ireland) 1996 as applied by paragraph (2).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I22 Reg. 22 in operation at 31.10.2007, see [reg. 1](#)

Revocations

23. The following Regulations are revoked —

- (a) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999;
- (b) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2003(13); and
- (c) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2004(14).

Commencement Information

I23 Reg. 23 in operation at 31.10.2007, see [reg. 1](#)

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 1st October 2007.



Andrew McCormick
A senior officer of the Department of Health,
Social Services and Public Safety

(13) S.R. 2003 No. 182

(14) S.R. 2004 No. 115

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Sch. 4 para. 4 substituted by [S.R. 2009/260 reg. 7\(a\)](#)
- Sch. 4 para. 5(3) substituted by [S.R. 2009/260 reg. 7\(b\)](#)
- Sch. 4 para. 8 substituted by [S.R. 2009/260 reg. 7\(c\)](#)
- Regulations revoked by [S.R. 2015/365 reg. 36\(a\)](#)
- reg. 2(1) words deleted by [S.R. 2009/260 reg. 3\(a\)](#)
- reg. 2(1) words inserted by [S.R. 2009/260 reg. 3\(b\)](#)
- reg. 2(1) words inserted by [S.R. 2010/68 reg. 3](#)
- reg. 2(1) words substituted by [S.R. 2009/260 reg. 3\(c\)](#)
- reg. 2(1) words substituted by [S.R. 2009/260 reg. 3\(d\)](#)
- reg. 2(1) words substituted by [S.R. 2014/223 Sch. 7 Pt. 2 para. 16](#)
- reg. 2(2)(3) words substituted by [S.R. 2009/260 reg. 4\(2\)](#)
- reg. 3(1)(a) words substituted by [S.I. 2012/1916 Sch. 34 para. 121](#)
- reg. 4(1)(b)(c) words substituted by [S.R. 2009/260 reg. 4\(2\)](#)
- reg. 4(8) words substituted by [S.R. 2009/260 reg. 4\(2\)](#)
- reg. 6(1) substituted by [S.R. 2010/68 reg. 4](#)
- reg. 8(1)(c) substituted by [S.R. 2009/260 reg. 5\(a\)](#)
- reg. 8(1)(h) substituted by [S.R. 2009/260 reg. 5\(b\)](#)
- reg. 8(4) substituted by [S.R. 2009/260 reg. 5\(c\)](#)
- reg. 9(2)(c) substituted by [S.R. 2009/260 reg. 6](#)
- reg. 20 substituted by [S.R. 2010/68 reg. 7](#)
- reg. 22(2) revoked by [S.R. 2014/223 Sch. 6 Pt. 1 para. 20](#)
- reg. 22(3) revoked by [S.R. 2014/223 Sch. 6 Pt. 1 para. 20](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1A inserted by [S.R. 2010/68 Sch. 1](#)
- Sch. 9 amendment to earlier affecting provision SR 2010 0068 Sch.2 by [S.R. 2010/127 reg. 3\(a\)\(i\)](#)
- Sch. 9 amendment to earlier affecting provision SR 2010 0068 Sch.2 by [S.R. 2010/127 reg. 3\(a\)\(ii\)](#)
- Sch. 9 amendment to earlier affecting provision SR 2010 0068 Sch.2 by [S.R. 2010/127 reg. 3\(b\)](#)
- Sch. 9-11 inserted by [S.R. 2010/68 Sch. 2](#)
- reg. 10(2A) inserted by [S.R. 2010/68 reg. 5](#)
- reg. 16(3)-(6) substituted for (3) by [S.R. 2010/68 reg. 6](#)