

EXPLANATORY MEMORANDUM TO

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2011

2011 No. 53

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 15(1)(e), 16(1), 25(1)(a) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991.

2. Purpose of the Rule

- 2.1 These Regulations further amend the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 by clarifying that certain legal terms, such as sales descriptions, can be included, in another language in addition to the English text for the marking or labelling of natural mineral water, spring water and bottled drinking water. Wording in the amending legislation has been chosen to ensure a consistent approach is taken for marking and labelling of natural mineral water, spring water and bottled drinking water. The Regulations also update a reference in the 2007 Regulations to the Veterinary Medicines Regulations.

3. Legislative Context

- 3.1 These Regulations amend in relation to Northern Ireland the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007 No. 420).

4. Parity or Replicatory Measure

- 4.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in England, Scotland and Wales.

5. European Convention on Human Rights

- 5.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Policy background

- What is being done and why

- 6.1 The Natural Mineral Water, Spring Water and Bottled Water (Amendment) (No 2) Regulations (Northern Ireland) 2010 amended the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2010 which themselves amended the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007.
- 6.2 The No 2 amending Regulations were laid before the Assembly on the 24 March and came into operation on the 8 April 2010. The equivalent Welsh legislation was scrutinised by the

Constitutional Affairs Committee in Wales who received legal advice that the 2007 regulations, and subsequent amendments, prohibit the use of the Welsh language on labels. The 2007 Regulations (as amended) are considered not to permit certain legal terms, such as sales descriptions, to be included in languages in addition to equivalent English text for the labelling of natural mineral water. The Food Standards Agency recognised that the issue needed clarification and that the principle will apply to all countries in the U.K. The proposed amending legislation has been drafted to ensure a consistent approach is taken here on wording used on labels for natural mineral water, spring water and bottled drinking water. The Regulations also update a reference in the 2007 Regulations to the Veterinary Medicines Regulations.

7. Consultation

7.1 A shortened public consultation (the change was of a minor nature, the proposed SR was a clarification of existing legislation and allows the use of another language on labels if so wished) was issued in Northern Ireland to a wide range of stakeholders including the bottled water industry and enforcement authorities on 17 August 2010 until 14 September 2010. The Agency considered that these amending Regulations would have no impact on business and asked stakeholders to advise of any costs as part of the consultation. No comments were received. Therefore an Impact Assessment has not been produced.

8. Guidance

8.1 It is not intended to issue guidance as the measure is straightforward.

9. Equality Impact

9.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

10. Impact

10.1 An Impact Assessment has not been produced for this rule (as explained in paragraph 7.1). No impact on the private, public or voluntary sectors is foreseen.

11. Contact

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