

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2010 No. 89**

**The Natural Mineral Water, Spring Water and Bottled  
Drinking Water (Scotland) Amendment Regulations 2010**

**6.** In regulation 16 (enforcement)—

(a) before “Each food authority shall, within its area—” insert “;(1)”;

(b) for paragraph (1)(b) substitute—

“(b) 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;”;

(c) after paragraph (1) insert—

“(2) For the purposes of carrying out the function referred to in paragraph (1)(a) in relation to bottled drinking water and spring water each food authority shall—

(a) subject to paragraph (3), carry out regular monitoring of the quality of any such water to check whether—

(i) it satisfies the requirements of Directive 98/83;

(ii) it contains a concentration or value for any parameter in excess of its prescribed concentration or value;

(iii) it contains a concentration or value for a property, element, substance or organism set out in Schedule 9 (as read with the notes to that Schedule) in excess of the concentration or value specified in relation to the property, element, substance or organism concerned in that Schedule as measured by the unit of measurement so specified;

(iv) in the case where, in accordance with head (iii), a food authority determines that the water concerned contains a concentration or value for *Clostridium perfringens* (including spores) in excess of the concentration or value specified in relation to it in Schedule 9 (as read with Note 2 to that Schedule) there is any potential danger to human health arising from the presence in the water of pathogenic micro-organisms; and

(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;

(b) in order to comply with sub-paragraph (a)—

(i) carry out regular check monitoring in relation to the parameters, properties, elements, substances and organisms set out in Schedule 10, as read with the notes to that Schedule; and

- (ii) carry out audit monitoring in relation to any parameter and the properties, elements, substances and organisms set out in Schedule 9, as read with the notes to that Schedule;
  - (c) for the purposes of sub-paragraph (b), carry out sampling and analysis in accordance with the relevant minimum frequencies set out in Schedule 11; and
  - (d) carry out additional monitoring in relation to any property, element, substance or organism which is neither a parameter nor a property, element, substance or organism set out in Schedule 9 if the food authority has reason to suspect that it may be present in the water concerned in an amount or number which constitutes a potential danger to human health.
- (3) The checks and monitoring referred to in paragraph (2)(a), (b) and (d) shall be carried out using samples representative of the quality of the water concerned consumed throughout the year in which the samples are taken.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2010, Section 6.