
STATUTORY INSTRUMENTS

1999 No. 1540

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999

Part IV

Miscellaneous and supplemental

Defences

18.—(1) In any proceedings for an offence under these Regulations, other than in relation to natural mineral water, it shall be a defence for the person charged to prove—

- (a) that the water in respect of which the offence was alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that it complies with that legislation; and
- (b) if the water was intended for export to an EEA State, that—
 - (i) in the case of water marked or labelled with the term “spring water”, the legislation complies with the provisions of Directives 80/777 and 80/778; and
 - (ii) in the case of bottled drinking water, the legislation complies with the provisions of Directive 80/778.

(2) In any proceedings for an offence under these Regulations in relation to the sale of any water other than drinking water it shall be a defence for the person charged to prove that—

- (a) the water in respect of which the offence is alleged to have been committed was placed on the market or labelled, as the case may be, before 28th October 1998; and
- (b) if it had been committed before the date these Regulations came into force the act alleged to constitute the offence would not have constituted an offence under—
 - (i) in the case of natural mineral water, the Natural Mineral Waters Regulations 1985^{M1}; or
 - (ii) in the case of water marked or labelled with the description “spring water”, the Drinking Water in Containers Regulations 1994^{M2}.

(3) In any proceedings for an offence under these Regulations in which it is alleged that any natural mineral water is marked or labelled in contravention of sub-paragraph (d), (f) or (g) of regulation 10(1) it shall be a defence for the person charged to show—

- (a) where the natural mineral water is recognised in Great Britain, that—
 - (i) the water is intended for export to an EEA State; and
 - (ii) the water is marked or labelled with no indication within the meaning of Article 9.2 other than one which is authorised in that State in accordance with that Article for use in relation to that water; and
- (b) where the natural mineral water is recognised in an EEA State other than the United Kingdom, the water is marked or labelled with no indication within the meaning of Article

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999*. 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](#)

9.2 other than one which is authorised in that State in accordance with that Article for use in relation to that water.

Marginal Citations

M1 [S.I. 1985/71](#); amended by [S.I. 1990/2486](#), [1991/1476](#), [1992/2596](#), [1994/3142](#) and [1994/3144](#).

M2 [S.I. 1994/743](#); amending instrument is [S.I. 1994/3144](#).

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2007/435 reg. 23\(1\)](#)
- Regulations revoked by [S.S.I. 2007/483 reg. 23\(1\)](#)
- Regulations revoked by [S.I. 2007/2785 reg. 23](#)
- Regulations revoked by [S.I. 2007/3165 reg. 23](#)
- reg. 18(1) revoked by [S.S.I. 2005/616 Sch. 6](#)
- reg. 18(1)(3) revoked by [S.I. 2005/2626 Sch. 6 Pt. 1](#)
- reg. 18(1)(3) revoked by [S.I. 2005/3254 Sch. 6 Pt. 1](#)
- reg. 18(1)(b) substituted by [S.S.I. 2003/139 reg. 13\(a\)](#)
- reg. 18(1)(b) substituted by [S.I. 2003/666 reg. 13\(a\)](#)
- reg. 18(1)(b) substituted by [S.I. 2003/3042 reg. 13\(a\)](#)
- reg. 18(2)(a) words inserted by [S.S.I. 2003/139 reg. 13\(b\)](#)
- reg. 18(2)(a) words inserted by [S.I. 2003/666 reg. 13\(b\)](#)
- reg. 18(2)(a) words inserted by [S.I. 2003/3042 reg. 13\(b\)](#)
- reg. 18(3) revoked by [S.S.I. 2005/616 Sch. 6](#)
- reg. 18(3) words inserted by [S.S.I. 2003/139 reg. 13\(c\)](#)
- reg. 18(3) words inserted by [S.I. 2003/666 reg. 13\(c\)](#)
- reg. 18(3) words inserted by [S.I. 2003/3042 reg. 13\(c\)](#)

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

- Act by [S.S.I. 2000/62 reg.10\(5\) Sch.8. Pt.V](#)

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

- Sch. 3 Pt. 0I para. 1(a)(aa) substituted by [S.I. 2003/3042 reg. 17\(a\)](#)
- Sch. 3 Pt. 0I para. 1(a)(aA) substituted for Sch. 3 Pt. 1 para. 1(a) by [S.I. 2003/666 reg. 17\(a\)](#)
- Sch. 5-7 added by [S.I. 2004/656 reg. 14Sch.](#)
- Sch. 5 added by [S.I. 2004/1509 reg. 14Sch.](#)
- Sch. 5-7 inserted by [S.S.I. 2004/132 reg. 15Sch.](#)
- Sch. 6 added by [S.I. 2004/1509 reg. 14Sch.](#)
- Sch. 7 added by [S.I. 2004/1509 reg. 14Sch.](#)
- reg. 2(5) added by [S.S.I. 2003/139 reg. 3\(c\)](#)
- reg. 2(5)(6) added by [S.I. 2003/666 reg. 3\(c\)](#)
- reg. 2(5)(6) added by [S.I. 2003/3042 reg. 3\(c\)](#)
- reg. 4(a) word deleted by [S.S.I. 2003/139 reg. 5\(a\)\(i\)](#)
- reg. 4(b) word inserted by [S.S.I. 2003/139 reg. 5\(a\)\(ii\)](#)
- reg. 4(c) inserted by [S.S.I. 2003/139 reg. 5\(a\)\(iii\)](#)
- reg. 4(2)(c) inserted by [S.I. 2003/666 reg. 5\(a\)\(iii\)](#)
- reg. 4(2)(c) inserted by [S.I. 2003/3042 reg. 5\(a\)\(iii\)](#)
- reg. 4(7A) inserted by [S.S.I. 2003/139 reg. 5\(c\)](#)
- reg. 4(7A) inserted by [S.I. 2003/666 reg. 5\(c\)](#)
- reg. 4(7A) inserted by [S.I. 2003/3042 reg. 5\(c\)](#)
- reg. 7A inserted by [S.S.I. 2004/132 reg. 5](#)
- reg. 7A inserted by [S.I. 2004/656 reg. 5](#)
- reg. 7A inserted by [S.I. 2004/1509 reg. 5](#)
- reg. 9A inserted by [S.S.I. 2004/132 reg. 6](#)
- reg. 9A inserted by [S.I. 2004/656 reg. 6](#)

- reg. 9A inserted by S.I. 2004/1509 reg. 6
- reg. 10(5)(e) and word added by S.I. 2004/656 reg. 8(2)
- reg. 10(5)(e) and word added by S.I. 2004/1509 reg. 8(2)
- reg. 10(5)(e) and word inserted by S.S.I. 2004/132 reg. 8(2)
- reg. 11A inserted by S.S.I. 2004/132 reg. 10
- reg. 11A inserted by S.I. 2004/656 reg. 10
- reg. 11A inserted by S.I. 2004/1509 reg. 10
- reg. 12(3)(4) added by S.I. 2003/3042 reg. 9(c)
- reg. 12(3)(4) substituted by S.I. 2003/666 reg. 9(c)
- reg. 13(a)(i) words substituted by S.I. 2003/666 reg. 10(b)
- reg. 16(1)(2) substituted by S.I. 2003/666 reg. 11
- reg. 18(4) added by S.I. 2004/656 reg. 12(1)
- reg. 18(4) added by S.I. 2004/1509 reg. 12(1)
- reg. 18(4) inserted by S.S.I. 2004/132 reg. 12(1)
- reg. 18(5) added by S.I. 2004/656 reg. 12(2)
- reg. 18(5) added by S.I. 2004/1509 reg. 12(2)
- reg. 18(5) inserted by S.S.I. 2004/132 reg. 12(2)