
STATUTORY INSTRUMENTS

2007 No. 2785

The Natural Mineral Water, Spring Water and
Bottled Drinking Water (England) Regulations 2007

PART 1

Introductory

Title, application and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007, apply in relation to England only and come into force on 31st October 2007.

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

[^{F1}“advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods and “advertise” is to be construed accordingly;]

^{F2}

[^{F3}“authorised activated alumina treatment” means—

(a) a treatment of natural mineral water and spring water with activated alumina in order to remove fluoride, that has been authorised in accordance with Schedule 1A; or

(b) [^{F4} in the case of natural mineral water or spring water brought into England from Scotland or Wales, a treatment which complies with Articles 1 to 3 of [Commission Regulation \(EU\) No 115/2010](#);

((c) in the case of natural mineral water or spring water brought into England from Northern Ireland or from an EEA State, a treatment which complies with Articles 1 and 2 of [Commission Regulation \(EU\) No 115/2010](#) as it has effect in EU law;

((d) in the case of natural mineral water or spring water brought into England from a country outside the UK and the EEA, a treatment which complies with Articles 1 and 2 of [Commission Regulation \(EU\) No 115/2010](#);]]

“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) [^{F5}in the case of water brought into England from other parts of the United Kingdom, a treatment that complies with the relevant bottled water legislation that applies in that part of the United Kingdom;]

“bottle”, the noun, 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, and “bottle”, the verb, and cognate expressions, shall be construed accordingly;

F6

“Directive 98/83” means Council Directive 98/83/EC relating to the quality of water intended for human consumption ^{M1};

F7

[^{F8}“Directive 2009/54” means Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (Recast);]

“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;

“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;

[^{F9}“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, and
 - (ii) its original purity; 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 [^{F10}first column of any table in Schedule 2 or the first column of the table in Section 1 of Part 9 of Schedule 12];

[^{F11}“pesticides” has the meaning given in note 6 of Part B of Annex 1 to Council Directive 98/83/EC on the quality of water for human consumption;]

[^{F11}“polycyclic aromatic hydrocarbons” means—

- (a) benzo(b)fluoranthene,
- (b) benzo(k)fluoranthene,
- (c) benzo(ghi)perylene, and
- (d) indeno(1,2,3-cd)pyrene;]

F12

[^{F13}“Regulation 115/2010” means Commission Regulation (EU) No. 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters;]

“relevant authority” means the council of a district or London Borough; ^{F14}...

[^{F15}“relevant bottled water legislation” means—

- ((a)) in relation to Northern Ireland, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015;
- ((b)) in relation to Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
- ((c)) in relation to Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015;]

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

[^{F16}“third country” means any country, other than the United Kingdom, and includes—

- ((a)) the Bailiwick of Guernsey;
- ((b)) the Bailiwick of Jersey;
- ((c)) the Isle of Man;]

[^{F11}“trihalomethanes” means—

- (a) chloroform,
- (b) bromoform,
- (c) dibromochloromethane, and
- (d) bromodichloromethane.

(2) Other expressions used both in these Regulations and in [^{F17}Directive 2009/54] 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, save where the contrary intention appears, a reference to the Article or Annex so numbered in [^{F18}Directive 2009/54].

(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.]

Textual Amendments

- F1** Words in reg. 2(1) substituted (13.12.2014) by [The Food Information Regulations 2014 \(S.I. 2014/1855\)](#), [Sch. 7 para. 52](#)
- F2** Words in reg. 2(1) omitted (6.4.2011) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/451\)](#), regs. 1, **2(2)** (with regs. 3, 4)
- F3** Words in reg. 2(1) inserted (9.4.2010) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/433\)](#), regs. 1, **3(a)**
- F4** Words in reg. 2(1) substituted (31.12.2020) by [The Food \(Amendment\) \(England\) \(EU Exit\) Regulations 2019 \(S.I. 2019/150\)](#), regs. 1, **3(2)(a)** (as substituted by S.I. 2020/1501, regs. 1(a), **3(2)(a)**); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 2(1) substituted (31.12.2020) by [The Food \(Amendment\) \(England\) \(EU Exit\) Regulations 2019 \(S.I. 2019/150\)](#), regs. 1, **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 2(1) repealed (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **3(a)**
- F7** Words in reg. 2(1) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(England\) \(EU Exit\) Regulations 2019 \(S.I. 2019/150\)](#), regs. 1, **3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 2(1) inserted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **3(b)**
- F9** Words in reg. 2(1) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **3(c)**

- F10** Words in reg. 2(1) substituted (6.4.2018) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 (S.I. 2018/352), regs. 1(1), **3(b)**
- F11** Words in reg. 2(1) inserted (6.4.2018) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 (S.I. 2018/352), regs. 1(1), **3(a)**
- F12** Words in reg. 2(1) omitted (6.4.2018) by virtue of The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 (S.I. 2018/352), regs. 1(1), **3(c)**
- F13** Words in reg. 2(1) inserted (9.4.2010) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2010 (S.I. 2010/433), regs. 1, **3(b)**
- F14** Word in reg. 2(1) omitted (6.4.2018) by virtue of The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 (S.I. 2018/352), regs. 1(1), **3(d)**
- F15** Words in reg. 2(1) inserted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(1) inserted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(2) substituted (16.7.2009) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2009 (S.I. 2009/1598), regs. 1, **4(1)(2)**
- F18** Words in reg. 2(3) substituted (16.7.2009) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2009 (S.I. 2009/1598), regs. 1, **4(1)(2)**

Marginal Citations

- M1** OJ No. L330, 5.12.98, p.32.

Exemptions

- 3.—(1) These Regulations do not apply to any water which —
- [^{F19}(a) is a medicinal product within the meaning of [^{F20} regulation 2(1) of the Human Medicines Regulations 2012];]
- (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
- [^{F21}(d) is a natural mineral water intended for—
- (i) movement into Northern Ireland;
- (ii) export to a third country.]
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

Textual Amendments

- F19** Reg. 3(1)(a) substituted (6.4.2018) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2018 (S.I. 2018/352), regs. 1(1), **4**
- F20** Words in reg. 3(1)(a) substituted (31.12.2020) by The Human Medicines (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/775), reg. 1, **Sch. 8 para. 9**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Reg. 3(1)(d) substituted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(3)** (as substituted by S.I. 2020/1501, regs. 1(a), **3(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F22}Additional language

- 3A.** Nothing in these Regulations prevents a bottle being marked or labelled with any other language in addition to English.]

Textual Amendments

F22 Reg. 3A inserted (6.4.2011) by *The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011* (S.I. 2011/451), regs. 1, **2(4)** (with regs. 3, 4)

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 England, recognition is granted by the relevant authority 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 [^{F23}under the relevant bottled water legislation] by a responsible authority of that part of the United Kingdom;

^{F24}(c)

- (d) in the case of water extracted from the ground in a [^{F25}third country] —
 - (i) it is recognised by [^{F26}the Secretary of State], in accordance with Part 2 of Schedule 3, or
 - ^{F27}(ii) it has equivalent recognition in Northern Ireland granted by the Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of Schedule 1 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015, or
 - (iii) it has equivalent recognition in Scotland granted by the Agency in accordance with regulation 4(1)(d)(i) of, and Part 2 of Schedule 3 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007, or
 - (iv) it has equivalent recognition in Wales granted by the Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of Schedule 1 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.]

(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) of Part 2 of Schedule 3,

the relevant authority or, as the case may be, [^{F26}the Secretary of State], may withdraw that recognition until such time as the requirements concerned are met.

(3) Where—

- (a) the relevant authority declines to grant or withdraws recognition of a water; or
- (b) [^{F26}the Secretary of State] 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 ^{F26}the Secretary of State] for a review of that decision.

(4) Upon an application for review of a decision being made under paragraph (3), ^{F26}the Secretary of State] 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 relevant authority 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 relevant authority or ^{F26}the Secretary of State], as appropriate, to have that recognition withdrawn.

(6) Where the relevant authority—

- (a) grants, restores or withdraws recognition, it shall immediately inform ^{F26}the Secretary of State] 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 ^{F26}the Secretary of State] of that change; or
- (c) is directed by ^{F26}the Secretary of State] 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 1985 ^{M2} or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 ^{M3} and subsisting on the date that these Regulations come into force shall—

- (a) in the case of water extracted from the ground in England, be treated as if it were recognition granted by the relevant authority under paragraph (1)(a); and
- (b) in the case of water extracted from the ground in a ^{F28}third country], be treated as if it were recognition granted by ^{F26}the Secretary of State] under paragraph (1)(d)(i); and

^{F29}(8)

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

Textual Amendments

- F23** Words in reg. 4(1)(b) substituted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Reg. 4(1)(c) omitted (31.12.2020) by virtue of The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in reg. 4(1)(d) substituted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(4)(a)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 4 substituted (6.4.2011) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011 (S.I. 2011/451), regs. 1, **2(5)(a)** (with regs. 3, 4)
- F27** Reg. 4(1)(d)(ii)-(iv) substituted for reg. 4(1)(d)(ii) (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(4)(a)(iii)(bb)** (as substituted by S.I. 2020/1501, regs. 1(a), **3(2)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F28** Words in reg. 4(7)(b) substituted (31.12.2020) by The Food (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/150), regs. 1, **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F29 Reg. 4(8) omitted (31.12.2020) by virtue of *The Food (Amendment) (England) (EU Exit) Regulations 2019* (S.I. 2019/150), regs. 1, **3(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M2 S.I. 1985/71, revoked by S.I. 1999/1540.

M3 S.I. 1999/1540, amended by S.I. 2000/656, S.I. 2003/666 and S.I. 2004/656.

Exploitation of natural mineral water springs

5.—(1) No person shall 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) the relevant authority 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, no person shall 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.

Treatments and additions for natural mineral water

6.—^{F30}(1) No person shall 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,
 - (iii) the total or partial elimination of free carbon dioxide by exclusively physical methods, or
 - (iv) an authorised activated alumina treatment; or
- (b) any addition other than the introduction or the re-introduction 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.

Textual Amendments

F30 Reg. 6(1) substituted (9.4.2010) by *The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2010* (S.I. 2010/433), regs. 1, **4**

Bottling of natural mineral water

7.—(1) No person shall 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) No person shall bottle any natural mineral water which does not meet the requirements of Schedule 4.

(4) No person shall 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.

Marking, labelling and advertising of natural mineral water

8.—(1) No person shall 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;
- ^{F31}(c) any indication, designation, trade mark, brand name, picture or other sign, whether figurative 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
- ^{F32}(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 same water table or the same 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; and
- (ii) in the case of a natural mineral water other than an effervescent natural mineral water, “natural mineral water”]
- (2) No person shall 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.
- [^{F33}(4) No person shall advertise any natural mineral water under any indication, designation, trade mark, brand name, picture or other sign, whether figurative 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) No person shall advertise any natural mineral water in contravention of paragraph (3).

Textual Amendments

- F31** Reg. 8(1)(c) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **5(a)**
- F32** Reg. 8(1)(h) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **5(b)**
- F33** Reg. 8(4) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, **5(c)**

Sale of natural mineral water

9.—(1) No person shall 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) No person shall 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;
 - ^{F34}(c) where the revivable total colony count of that water is in excess of that which would result from the normal increase in the bacterial count which it had at source; or]
 - (d) where that water contains any organoleptic defect.
- (3) No person shall 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) No person shall sell any natural mineral water from one and the same spring under more than one trade description.

Textual Amendments

F34 Reg. 9(2)(c) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, 6

^{F35}Transitional provision: withdrawal from the EEA and the EU

9A.—(1) The following waters are accredited, that is to say treated for the purposes of these Regulations as if they were natural mineral waters recognised by the Secretary of State under regulation 4(1)(d)(i)—

- (a) established EU recognised natural mineral waters;
- (b) established Icelandic recognised natural mineral waters;
- (c) established Norwegian recognised natural mineral waters.

(2) The accreditation in paragraph (1) continues to have effect in relation to a natural mineral water to which sub-paragraph (a), (b) or (c) of that paragraph applies until the relevant accreditation cessation date.

(3) In the case of an established EU recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated by the responsible authority in at least one member State as a recognised mineral water for the purposes of Directive [2009/54/EC](#), the Secretary of State may notify the Commission that the accreditation provided for in paragraph (1)(a) in relation to established EU recognised natural mineral waters is to cease.

(4) In the case of an established Icelandic recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated as a recognised mineral water in Iceland for the purposes of Directive 2009/54/EC, the Secretary of State may notify the Icelandic Food and Veterinary Authority that the accreditation provided for in paragraph (1)(b) in relation to established Icelandic recognised natural mineral waters is to cease.

(5) In the case of an established Norwegian recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated in Norway as a recognised mineral water for the purposes of Directive 2009/54/EC, the Secretary of State may notify the Norwegian Food Safety Authority that the accreditation provided for in paragraph (1)(c) in relation to established Norwegian recognised natural mineral waters is to cease.

(6) No notification may be given under paragraph (3), (4) or (5) before the end of the period of six months beginning on the day on which IP completion day falls.

(7) The accreditation cessation date specified in a notification given under paragraph (3), (4) or (5) must be a date that is at least six months after the date on which the notification is given, beginning with the day after the day on which that notification is given.

(8) The Secretary of State must publish a copy of any notification given under paragraph (3), (4) or (5) in such manner as appears appropriate to the Secretary of State in order to bring its effect to the notice of those that the Secretary of State considers likely to be, or representative of those likely to be, affected in England as soon as is reasonably practicable.

(9) The Secretary of State must from time to time publish, in such manner as appears appropriate to the Secretary of State, a list of the names of the established EU, Icelandic and Norwegian recognised natural mineral waters that are treated as accredited natural mineral waters under paragraph (1) (“the paragraph 9 list”).

(10) Where a notification is given under paragraph (3), (4) or (5), the Secretary of State must update the paragraph 9 list as soon as reasonably practicable after the accreditation cessation date specified in the notification.

(11) The paragraph 9 list is to be treated as conclusive evidence that the waters are accredited natural mineral waters for the purposes of these Regulations.

(12) In this regulation—

“accreditation cessation date” means the cessation date as notified by the Secretary of State under paragraph (3), (4) or (5);

“Directive 2009/54/EC” means Directive 2009/54/EC as incorporated into the EEA agreement, and as it had effect, immediately before IP completion day;

“established EU recognised natural mineral water” means—

(a) a natural mineral water extracted from the ground in any member State—

- (i) that immediately before IP completion day had the status of a recognised natural mineral water for the purposes of Directive 2009/54/EC, and
- (ii) for which that recognition remains in force;

(b) a natural mineral water extracted from the ground in a third country—

- (i) that immediately before IP completion day had the status of a recognised natural mineral waters for the purposes of Directive 2009/54/EC, having been recognised by any member State as a natural mineral water for the purpose of Directive 2009/54/EC based on a certificate (“Article 1(2) certificate”) of the type referred to in the second subparagraph of Article 1(2) of Directive 2009/54/EC issued by the responsible authority in the country of extraction,

- (ii) for which that recognition remains in force, and
- (iii) for which the Article 1(2) certificate remains valid;

“established Icelandic recognised natural mineral water” means a natural mineral waters extracted from the ground in Iceland—

- (a) that immediately before IP completion day had the status of a recognised natural mineral waters for the purposes of Directive [2009/54/EC](#), and
- (b) for which that recognition remains in force;

“established Norwegian recognised natural mineral water” means a natural mineral water extracted from the ground in Norway—

- (a) that immediately before IP completion day had the status of a recognised natural mineral water for the purpose of Directive [2009/54/EC](#), and
- (b) for which that recognition remains in force;

“established recognised UK natural mineral water” means a natural mineral water extracted from the ground in the United Kingdom—

- (a) that immediately before IP completion day had the status of a recognised natural mineral water for the purposes of Directive [2009/54/EC](#), and
- (b) for which that recognition remains in force;

“member State” means a member State of the EU as constituted immediately after IP completion day;

“third country” has the same meaning as in Directive [2009/54/EC](#) as it had effect immediately before IP completion day.]

Textual Amendments

F35 Reg. 9A inserted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, 2 (as amended by S.I. 2020/1501, regs. 1(a), **5(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

PART 3

Spring water

Bottling of spring water and exploitation of spring water springs

10.—(1) No person shall 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) No person shall 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.

[^{F36}(2A) No person shall cause any water which has been treated with activated alumina for removal of fluoride to be bottled in a bottle marked or labelled “spring water”, unless that treatment is an authorised activated alumina treatment.]

(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, no person shall 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.

Textual Amendments

F36 Reg. 10(2A) inserted (9.4.2010) by *The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2010* (S.I. 2010/433), regs. 1, 5

Marking, labelling and advertising of spring water

11.—(1) No person shall 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) No person shall 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) No person shall 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) No person shall advertise any spring water in contravention of paragraph (4).

Sale of spring water

12.—(1) No person shall 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) No person shall 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.

PART 4

Bottled drinking water

Bottling of drinking water

13. No person shall cause any drinking water to be bottled unless that water meets the requirements of Schedule 2.

Marking, labelling and advertising of bottled drinking water

14. No person shall—

- (a) cause any drinking water ^{F37}... 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 ^{F38}... 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”.

Textual Amendments

- F37** Words in [reg. 14\(a\)](#) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), [5](#)
- F38** Words in [reg. 14\(b\)](#) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), [5](#)

Sale of bottled drinking water

15. No person shall 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.

PART 5

Miscellaneous and supplemental

Enforcement

16.—^{F39}(1) Each relevant authority shall, within its area 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), 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 relevant authority shall, within its area, 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.

[^{F40}(3) Each relevant authority shall, within its area, 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.

(4) Each food authority shall, within its area, execute and enforce these Regulations.

(5) For the purposes of carrying out the function referred to in paragraph (4) in relation to bottled drinking water and spring water each food authority shall—

- (a) subject to paragraph (6), carry out regular monitoring of the quality of any such water[^{F41}, including checks to determine] whether—

^{F42}(i)

^{F43}(ii)

^{F43}(iii)

^{F43}(iv)

- (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;

^{F44}(b)

^{F44}(c)

^{F44}(d)

(6) The checks and monitoring referred to in paragraph (5)(a) ^{F45}... shall be carried out using samples representative of the quality of the water concerned consumed throughout the year in which the samples are taken.]

Textual Amendments

- F39** Reg. 16(1) substituted (16.7.2009) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/1598\)](#), regs. 1, 7
- F40** Reg. 16(3)-(6) substituted for reg. 16(3) (9.4.2010) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/433\)](#), regs. 1, 6
- F41** Words in reg. 16(5)(a) substituted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(a)(i)**
- F42** Reg. 16(5)(a)(i) omitted (31.12.2020) by virtue of [The Food \(Amendment\) \(England\) \(EU Exit\) Regulations 2019 \(S.I. 2019/150\)](#), regs. 1, **3(5)**; 2020 c. 1, **Sch. 5 para. 1(1)**

- F43** Reg. 16(5)(a)(ii)-(iv) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(a)(iii)**
- F44** Reg. 16(5)(b)-(d) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(2)(b)**
- F45** Words in reg. 16(6) omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **6(3)**

[^{F46}**Monitoring of water bottled and labelled as “spring water” and bottled drinking water**

16A. Each food authority must, in accordance with Schedule 12, maintain a monitoring programme for, and monitor, any water that—

- (a) is water to which paragraph 3 of Schedule 12 applies (water bottled and labelled as “spring water” and bottled drinking water), and
- (b) is being bottled in its area.]

Textual Amendments

- F46** Reg. 16A inserted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **7**

Arrangements for samples taken for analysis

17.—(1) An authorised officer of a food authority who has procured a sample under section 29 of the Act 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.

(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 England and was taken by the authorised officer before delivery to a person who intends to sell that water in England, 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 section 30 of the Act 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 food authority, to be supplied with a copy of the certificate of analysis by that authority.

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.

Methods of analysis

^{F47}**19.**

Changes to legislation: There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007. (See end of Document for details)

Textual Amendments

F47 Reg. 19 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(a)**

Offences and penalties

^{F48}**20.**

Textual Amendments

F48 Reg. 20 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(b)**

Defences

^{F49}**21.**

Textual Amendments

F49 Reg. 21 omitted (6.4.2018) by virtue of [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **8(c)**

Application of the Act

[^{F50}**22.**—(1) The provisions of the Act specified in the first column of the table in Schedule 13 apply for the purposes of these Regulations, with the modifications specified in the second column of that table.

(2) An authorised officer of a food authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified by paragraph (1), as read with Schedule 13, if—

- (a) the improvement notice would relate to water bottled and labelled before 6th April 2018, and
- (b) the matters constituting the alleged contravention would not have constituted an offence under these Regulations as they stood immediately before 6th April 2018.]

Textual Amendments

F50 Reg. 22 substituted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), regs. 1(1), **9**

Revocation

23. The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 are revoked in so far as they apply to England.

Changes to legislation: *There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007. (See end of Document for details)*

Signed by authority of the Secretary of State for Health.

Department of Health

Dawn Primarolo
Minister of State,

Changes to legislation:

There are currently no known outstanding effects for the The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007.