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STATUTORY INSTRUMENTS

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**2007 No. 2785**

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

**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 [<sup>F1</sup>under the relevant bottled water legislation] by a responsible authority of that part of the United Kingdom;
  - <sup>F2</sup>(c) .....
  - (d) in the case of water extracted from the ground in a [<sup>F3</sup>third country] —
    - (i) it is recognised by [<sup>F4</sup>the Secretary of State], in accordance with Part 2 of Schedule 3, or
    - <sup>F5</sup>(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, [<sup>F4</sup>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) [<sup>F4</sup>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 [<sup>F4</sup>the Secretary of State] for a review of that decision.

(4) Upon an application for review of a decision being made under paragraph (3), [<sup>F4</sup>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 [<sup>F4</sup>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 [<sup>F4</sup>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 [<sup>F4</sup>the Secretary of State] of that change; or
- (c) is directed by [<sup>F4</sup>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 <sup>M1</sup> or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 <sup>M2</sup> 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 [<sup>F6</sup>third country], be treated as if it were recognition granted by [<sup>F4</sup>the Secretary of State] under paragraph (1)(d)(i); and

<sup>F7</sup>(8) .....

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

**Textual Amendments**

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)

- F5** 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)**
- F6** 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)
- F7** 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

- M1** S.I. 1985/71, revoked by S.I. 1999/1540.
- M2** 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.—<sup>[F8]</sup>(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

- F8** 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;
- [<sup>F9</sup>(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
- [<sup>F10</sup>(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.
- [<sup>F11</sup>(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

- F9** 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)**

- F10** 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)**
- F11** 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;
- [<sup>F12</sup>(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

- F12** 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**

### [<sup>F13</sup>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.]

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#### Textual Amendments

- F13** 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)**



**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, PART 2.