

2011 No. 94

FOOD

**The Natural Mineral Water, Spring Water and Bottled Drinking
Water (Scotland) Amendment Regulations 2011**

<i>Made</i>	- - - -	<i>10th February 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>14th February 2011</i>
<i>Coming into force</i>	- -	<i>14th March 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency(b).

There has been consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c).

Citation and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2011 and come into force on 14th March 2011.

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28). Section 17(1) was also amended by paragraph 12 of Schedule 5 to the 1999 Act. Section 26(3) was amended by paragraph 1 of Schedule 6 to the 1999 Act. Section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46). The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (c) O.J. L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (O.J. L 188, 18.7.2009, p.14).

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007

2.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(a) are amended as follows.

(2) In regulation 3(1)(a), for “Veterinary Medicines Regulations 2005(b)” substitute “the Veterinary Medicines Regulations 2009(c)”.

(3) After regulation 3, insert—

“Additional language

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

St Andrew’s House,
Edinburgh
10th February 2011

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2007/483, as amended by S.S.I. 2009/273 and 2010/89. S.S.I. 2010/89 was itself amended by S.S.I. 2010/127.
(b) S.I. 2005/2745; these Regulations were revoked by S.I. 2006/2407.
(c) S.I. 2009/2297, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007 by—

- (a) updating a reference in regulation 3(1)(a) to the Veterinary Medicines Regulations 2009 (regulation 2(2)); and
- (b) providing that languages in addition to English may be marked or labelled on a bottle (regulation 2(3)).

A Business and Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the cost of business.

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