
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(d)**
- 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.]

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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)

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 1.