
WELSH STATUTORY INSTRUMENTS

2015 No. 1867

The Natural Mineral Water, Spring Water and
Bottled Drinking Water (Wales) Regulations 2015

PART 1

Introductory

Title, commencement and application

1.—(1) The title of these Regulations is the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.

(2) These Regulations come into force on 28 November 2015 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“advertisement” (“*hysbyseb*”) means a representation in any form in connection with a trade or business in order to promote the supply of goods, and “advertise” (“*hysbysebu*”) is to be construed accordingly;

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“bottle” (“*potel*”) where used as a 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” (“*potelu*”), where used as a verb, and cognate expressions, are to be construed accordingly;

“Directive 98/83” (“*Cyfarwyddeb 98/83*”) means Council Directive [98/83/EC](#) on the quality of water intended for human consumption ^{M1};

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...

“Directive 2009/54” (“*Cyfarwyddeb 2009/54*”) means Directive [2009/54/EC](#) of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters ^{M2};

“Directive 2013/51” (“*Cyfarwyddeb 2013/51*”) means Council Directive 2013/51/EURATOM laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption ^{M3};

“drinking water” (“*dŵr yfed*”) means water which is intended for sale for drinking by humans other than—

- (a) natural mineral water, or
- (b) water intended to be labelled and sold as “spring water”, “*dŵr ffynnon*”, or its equivalent in any other language;

“effervescent natural mineral water” (“*dŵr mwynol naturiol eferw*”) 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;

[^{F2}“fluoride removal treatment” (“*triniaeth tynnu fflworid*”) has the meaning given in regulation 27A;]

“label” (“*label*”) means any tag, brand, mark, pictorial or other descriptive matter, which is written, printed, stencilled, marked, embossed or impressed on, or attached to the bottle of water, and “labelled” (“*wedi'i labelu*”) and “labelling” (“*labelu*”) are to be construed accordingly;

“natural mineral water” (“*dŵr mwynol naturiol*”) means water which—

- (a) is microbiologically wholesome within the meaning of Article 5 of Directive 2009/54,
- (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 drinking water on account of the following characteristics having been preserved intact because of the underground origin of the water, which has 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;

[^{F3}“ozone-enriched air treatment” (“*triniaeth aer a gyfoethogir ag osôn*”) has the meaning given in regulation 27B;]

“parameter” (“*paramedr*”) means a property, element, organism or substance listed in the second column of any table in Part 2, Part 3 or Part 4 of Schedule 7;

“Regulation 115/2010” (“*Rheoliad 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; and

[^{F4}“relevant bottled water legislation” (“*deddfwriaeth berthnasol ynghylch dŵr wedi'i botelu*”) means—

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

“sell” (“*gwerthu*”) includes possess for sale and offer, expose or advertise for sale, and “sale” (“*gwerthiant*”) is to be construed accordingly.

[^{F5}“third country” (“*trydedd wlad*”) 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.]

(2) Expressions used in these Regulations that are also used in Directive 98/83, Directive 2009/54, Regulation 115/2010 or Directive 2013/51 have the same meaning in these Regulations as they have in those Directives or that Regulation.

(3) References to the Annexes to Directive 98/83, ^{F6}... Directive 2009/54, Regulation 115/2010 and Directive 2013/51 are references to those Annexes as amended from time to time.

(4) Any reference in these Regulations to the labelling of a bottle includes labelling done before any water is bottled and labelling after bottling.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 2\(1\)](#) substituted (27.10.2017) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/935\)](#), regs. 1(3), **3(a)**
- F3** Words in [reg. 2\(1\)](#) substituted (27.10.2017) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/935\)](#), regs. 1(3), **3(b)**
- F4** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(2)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 2\(3\)](#) omitted (31.12.2020) by virtue of [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ No L 330, 5.12.1998 p 32, last amended by Commission Directive (EU) 2015/1787 (OJ No L 260 7.10.2015, p 6).
- M2** OJ No L 164, 26.6.2009, p 45.
- M3** OJ No L 296, 7.11.2013, p 12.

Exemptions

- 3.—(1) These Regulations do not apply to any water which—
- (a) is a medicinal product within the meaning of [^{F7}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
 - [^{F8}(d) is a natural mineral water intended for—
 - (i) movement into Northern Ireland; or
 - (ii) export to a third country.]
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

Textual Amendments

- F7** Words in [reg. 3\(1\)\(a\)](#) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** [Reg. 3\(1\)\(d\)](#) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1046\)](#), regs. 1(3), **8(3)(b)** (as substituted by S.I. 2020/1581, regs. 1(2), **4(4)(a)**); 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 (Wales) Regulations 2015, PART 1.