

2015 No. 365

FOOD

**The Natural Mineral Water,
Spring Water and Bottled
Drinking Water Regulations
(Northern Ireland) 2015**

Made - - - -

5th November 2015

Coming into operation -

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The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(1) and (3), 26(3), 32 and

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.I) Article 3(6)

47(2) of the Food Safety (Northern Ireland) Order 1991(a) and paragraph 1A of Schedule 2 to the European Communities Act 1972(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for the references in these Regulations to the Annexes to the EU instruments listed in Regulation 2(3) to be construed as references to those Annexes as amended from time to time.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health, Social Services and Public Safety has taken into account relevant advice given by the Food Standards Agency.

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).

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 and come into operation on 28th November 2015.

Interpretation

2.—(1) In these Regulations—

“advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods;

“The Agency” means the Food Standards Agency;

“authorised officer” has the same meaning as in Article 2(2)(a) of the Order;

“bottle” 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;

“Directive 98/83” means Council Directive 98/83/EC on the quality of water intended for human consumption(d);

“Directive 2003/40” means Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters(e);

-
- (a) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
- (b) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c. 51), section 28(1) and amended by the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1
- (c) OJ No L 31, 1.2.02, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014 p 1)
- (d) OJ No L 330, 5.12.98 p 32, last amended by Commission Directive (EU) 2015/1787 (OJ No L 260 7.10.15, p 6)
- (e) OJ No L 126, 22.5.03, p 34

“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^(a)(Recast);

“Directive 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^(b);

“drinking water” 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”;

“EEA State” means a Member State of the European Union, Norway, Iceland and Liechtenstein;

“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;

“fluoride removal treatment” means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water” with activated alumina in order to remove fluoride which is authorised in accordance with regulations 9(1)(a)(iii), or 15(1)(a)(iii) and Schedule 2; or
- (b) in the case of water brought into Northern Ireland from another part of the United Kingdom or from another EEA state, a treatment which complies with Articles 1 to 3 of Regulation 115/2010;

“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;

“natural mineral water” 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;

“ozone-enriched air treatment” means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water” with ozone-enriched air which is authorised in accordance with regulation 9(1)(a)(iv) or regulation 15(1)(a)(iv) and Schedule 3, or
- (b) in the case of water brought into Northern Ireland from other parts of the United Kingdom or from another EEA State, a treatment which complies with Article 5 of Directive 2003/40, as implemented in that part of the United Kingdom or that EEA State;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

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

(a) OJ No L 164, 26.6.09, p 45
(b) OJ No L 296, 7.11.2013, p 12

“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(a); and

“sell” includes possess for sale and offer, expose or advertise for sale.

(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 the Regulation.

(3) References to the Annexes to Directive 98/83, Directive 2003/40, 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 both labelling done before any water is bottled, and labelling after bottling.

(5) The Interpretation Act (Northern Ireland) 1954(b) applies to these Regulations as it applies to an Act of the Assembly.

Exemptions

- 3.—(1) These Regulations do not apply to any water which—
- (a) is a medicinal product within the meaning of Directive 2001/83 of the European Parliament and of the Council on the Community code relating to medicinal products for human use(c);
 - (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
 - (d) is a natural mineral water intended for export to a country other than an EEA State.
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

PART 2

Natural mineral water

Recognition as natural mineral water

4.—(1) Natural mineral water may only be sold as natural mineral water if it is recognised in accordance with paragraph (2).

- (2) Water is recognised as natural mineral water where—
- (a) in the case of water extracted from the ground in Northern Ireland, the district council grants recognition in accordance with Part 1 of Schedule 1;
 - (b) in the case of water extracted from the ground in another part of the United Kingdom, the responsible authority of that part of the United Kingdom recognises it pursuant to Directive 2009/54;
 - (c) in the case of water extracted from the ground in an EEA State other than the United Kingdom, a responsible authority of that EEA State recognises it pursuant to Directive 2009/54;
 - (d) in the case of water extracted from the ground in a country other than an EEA State—
 - (i) the Agency grants recognition in accordance with Part 2 of Schedule 1;

(a) OJ No L 37, 10.2.10, p 13

(b) 1954 c.33 (NI)

(c) OJ No L 311, 28.11.2001 p 67, last amended by Directive 2012/26/EU (OJ No L 299 27.10.2012, p 1)

- (ii) it has an equivalent recognition, given by a responsible authority of another part of the United Kingdom, or an EEA State other than the United Kingdom.

(3) The publication in the Official Journal of the European Union of the name of any water as a natural mineral water recognised in the European Union for the purposes of Directive 2009/54 is conclusive evidence that that water is recognised for the purposes of that Directive, except where recognition is granted in accordance with Schedule 1.

Declining to grant or withdrawing recognition

5.—(1) Where, in relation to any water that has been recognised under regulation 4(2)(a) or 4(2)(d)(i) it is found that—

- (a) by analysis in accordance with Part 3 of Schedule 1, the requirements of paragraph 3 of that Part are not met;
- (b) the requirements of Schedule 4 are not met; or
- (c) the content of the water is not in accordance with Part 1, paragraph 1(c) or Part 2, paragraph 1(c) of Schedule 1.

the district council or, as the case may be, the Agency may withdraw that recognition until such time as the requirements concerned are met.

(2) Where the district council or the Agency 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 within 6 months of being notified of the decision seek a review of the decision by a person appointed for the purpose by the Agency.

(3) The appointed person must review the decision and consider any representations made by the district council or the Agency and within 3 months report in writing with a recommended course of action to the Agency.

(4) The Agency must either—

- (a) confirm the decision together with the reasons; or
- (b) direct the district council to grant or restore, or itself restore recognition of the water in question.

(5) Where a district council is directed by the Agency under paragraph (4)(b) to grant or restore recognition, it must immediately comply with that direction.

Application to withdraw recognition

6. A person who exploits a spring from which water is extracted which is recognised as natural mineral water in accordance with regulation 4(2)(a) or 4(2)(d)(i), may apply to the district council or the Agency, as appropriate, to have that recognition withdrawn.

Notification of changes

7. A district council must immediately notify the Agency if—

- (a) it grants, restores or withdraws recognition of a natural mineral water; or
- (b) it 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.

Exploitation of natural mineral water springs

8.—(1) A person must not exploit a 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 Northern Ireland Environment Agency has authorised water to be abstracted from that spring; and
- (c) the requirements of Schedule 4 are met.

(2) Where it is found during exploitation that natural mineral water is polluted and that the bottling of the water would contravene paragraphs 6, 7 or 8 of Schedule 4, a person must not 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

9.—(1) A person must not subject natural mineral water in its state at source to—

- (a) any treatment other than—
 - (i) 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;
 - (ii) the total or partial elimination of free carbon dioxide by exclusively physical methods;
 - (iii) fluoride removal treatment which is authorised in accordance with Schedule 2; or
 - (iv) an ozone-enriched air oxidation technique which is authorised in accordance with Schedule 3;
- (b) any addition other than the introduction or the re-introduction of carbon dioxide to produce effervescent natural mineral water; or
- (c) any disinfection treatment by whatever means, or, subject to paragraph (1)(b), the addition of bacteriostatic elements or any other treatment likely to change the viable colony count of the natural mineral water.

(2) Paragraph (1) does not prevent the use of natural mineral water in the manufacture of soft drinks.

Bottling of natural mineral water

10.—(1) A person must not bottle any natural mineral water—

- (a) unless the requirements of Schedule 4 are met;
- (b) in a container other than a container which is fitted with closures designed to avoid any possibility of adulteration or contamination; and
- (c) which, at the time of bottling, contains any substance listed in Part 1 of Schedule 5 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 Part 1 of Schedule 5 must conform to the performance characteristics for analysis specified in Part 2 of Schedule 5.

Labelling of natural mineral water

11.—(1) A person must not bottle natural mineral water and label it with—

- (a) a trade description which includes the name of the locality, hamlet or other place, unless that trade description refers to a natural mineral water spring, 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 name of the spring or place of exploitation is also 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;

- (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 the spring, the results of analyses or any similar references to guarantees of authenticity;
- (d) any indication other than those specified in subparagraphs (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 the first column of the Table in Schedule 6, except where the natural mineral water meets the criterion so listed and corresponds to the 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; or
- (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 the physico-chemical analysis and pharmacological, physiological and clinical examination.

(2) A person must not bottle natural mineral water and label it with a sales description other than—

- (a) “natural mineral water”; or
- (b) in the case of an effervescent natural mineral water, one of the following, as appropriate—
 - (i) “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;
 - (ii) “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
 - (iii) “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.

(3) A person must not bottle natural mineral water unless the bottle is 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) where the water 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) where the water has undergone an ozone-enriched air treatment, the words “water subjected to an authorised ozone-enriched air oxidation technique”, which must appear in proximity to the analytical composition of characteristic constituents; and
- (e) 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 must appear in immediate proximity to the trade name and in clearly visible characters; and
 - (ii) the actual fluoride content in relation to the physico-chemical composition, which must be included within the statement referred to in paragraph (3)(a).

Advertising of natural mineral water

12.—(1) Where in accordance with regulation 11(1)(b) a bottle containing a natural mineral water is required to be labelled with the name of the spring or the place of its exploitation—

- (a) the same requirement also applies to any written advertisement for that natural mineral water; and
- (b) in any other advertisement, at least equivalent prominence must be given to the place of exploitation or the name of the spring as is given to the trade description.

(2) A person must not advertise natural mineral water in contravention of paragraph (1).

(3) A person must not advertise 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.

Sale of natural mineral water

13.—(1) A person must not sell water which is bottled and labelled “natural mineral water” unless that water is natural mineral water recognised in accordance with regulation 4(2).

(2) A person must not sell bottled natural mineral water if it—

- (a) has been extracted from a spring which is exploited in contravention of regulation 8;
- (b) has been subjected to any treatment or addition in contravention of regulation 9;
- (c) is bottled in contravention of regulation 10;
- (d) is labelled in contravention of regulation 11; or
- (e) is advertised in contravention of regulation 12.

(3) A person must not sell bottled natural mineral water—

- (a) which contains—
 - (i) parasites or pathogenic micro-organisms;
 - (ii) *Escherichia coli* or other coliforms and faecal streptococci in any 250ml sample examined;
 - (iii) sporulated sulphite-reducing anaerobes in any 50ml 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;
- (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.

(4) A person must not sell natural mineral water from the same spring under more than one trade description.

PART 3

Water intended to be sold as “spring water”

Exploitation of springs and bottling of water intended to be labelled and sold as “spring water”

14.—(1) A person must not bottle water intended to be labelled and sold as “spring water” unless—

- (a) the water has been extracted from a spring and is bottled at source;

- (b) the water is intended for human consumption in its natural state;
- (c) the requirements of Schedule 4 are met; and
- (d) the water meets the requirements of Schedule 7.

(2) Where it is found during exploitation that water from a spring is polluted and that bottling of the water would contravene paragraphs 6, 7 or 8 of Schedule 4, a person must not 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 water intended to be labelled and sold as “spring water”

15.—(1) A person must not subject any water intended to be labelled and sold as “spring water” in its state at source to—

- (a) any treatment other than—
 - (i) 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;
 - (ii) the total or partial elimination of free carbon dioxide by exclusively physical methods;
 - (iii) a fluoride removal treatment which is authorised in accordance with Schedule 2; or
 - (iv) an ozone-enriched air treatment which is authorised in accordance with Schedule 3;
- (b) any addition other than the introduction or the re-introduction of carbon dioxide; or
- (c) any disinfection treatment by whatever means, or, subject to paragraph (1)(b) the addition of bacteriostatic elements, or any other treatment likely to change the viable colony count of the water.

Labelling of water as “spring water”

16.—(1) A person must not label a bottle of water as “spring water” unless the water contained in it—

- (a) meets the requirements of regulation 14(1); and
- (b) if treated, has undergone a treatment or addition permitted under regulation 15.

(2) If a bottle of water is labelled as “spring water” a person must not label that bottle with a trade description which—

- (a) includes 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 name and is not misleading as regards the place of exploitation of the spring; or
- (b) is different from the name of the spring or the place of its exploitation unless the name of the spring or the place of exploitation is also 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) A person must not label a bottle of water as “spring water” unless the bottle is also labelled with—

- (a) the name of the place where the spring is exploited;
- (b) the name of the spring; and
- (c) where the water has undergone an ozone-enriched air treatment, the words “water subjected to an authorised ozone-enriched air oxidation technique”, which must appear in proximity to the particulars referred to in subparagraphs (a) and (b).

Advertising of water as “spring water”

17.—(1) Where in accordance with regulation 16(2)(b), a bottle of water is required to be labelled with the name of the spring or its place of exploitation in addition to a trade description—

- (a) the same requirement also applies to any written advertisement for that water; and
- (b) in any other advertisement, at least equivalent prominence must be given to the place of exploitation or the name of the spring as is given to the trade description.

(2) A person must not advertise a bottle of water as “spring water” in contravention of paragraph (1).

Sale of water as “spring water”

18.—(1) A person must not sell water which is bottled and labelled as “spring water” if it—

- (a) does not meet the requirements of regulation 14(1);
- (b) has been subjected to a treatment or addition in contravention of regulation 15;
- (c) is labelled in contravention of regulation 16; or
- (d) is advertised in contravention of regulation 17.

(2) A person must not sell water from the same spring labelled as “spring water” under more than one trade description.

PART 4

Bottled drinking water

Bottling of drinking water

19. A person must not bottle drinking water unless that water meets the requirements of Schedule 7.

Labelling of bottled drinking water

20. A person must not bottle drinking water and label it with—

- (a) a 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 drinking water with a natural mineral water, or
- (b) the description “mineral water”.

Advertising of bottled drinking water

21. A person must not advertise bottled drinking water under—

- (a) a 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
- (b) the description “mineral water”.

Sale of bottled drinking water

22. A person must not sell bottled drinking water which is—

- (a) bottled in contravention of regulation 19; or
- (b) labelled in contravention of regulation 20; or
- (c) advertised in contravention of regulation 21.

PART 5

Monitoring and sampling

CHAPTER 1

Natural mineral water

Monitoring of natural mineral water

23. In the case of natural mineral water, each district council must carry out periodic checks 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 subparagraph (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 permitted treatment) is reasonably constant, taking into account the qualitative and quantitative composition of the water considered in the recognition of the water and that it continues to satisfy the requirements of Part 1 of Schedule 1; and
- (d) the requirements of Schedule 4 are met in relation to the water.

CHAPTER 2

Water bottled and labelled as “spring water” and bottled drinking water

Monitoring of water bottled and labelled as “spring water” and bottled drinking water

24.—(1) In the case of water bottled and labelled as “spring water” and bottled drinking water, each district council must carry out regular monitoring of the quality of the water to check that—

- (a) it satisfies the requirements of Directive 98/83 and in particular complies with the parametric values set in accordance with Schedule 7; and
- (b) where disinfection forms part of the preparation or distribution of bottled drinking water, the disinfection treatment applied is efficient and any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.

(2) In order to comply with paragraph (1), each district council must carry out—

- (a) monitoring in accordance with Schedule 8 to check whether the water complies with the relevant parametric values specified in Parts 2 and 3 of Schedule 7; and
- (b) monitoring in accordance with Schedule 9 to check whether the water complies with the relevant parametric values specified in Part 4 of Schedule 7.

(3) Each district council must carry out additional monitoring, on a case-by-case basis, in relation to any property, element, substance or organism other than a parameter specified in Schedule 7, if the district council has reason to suspect that it may be present in the water concerned in an amount or number which constitutes a potential danger to human health.

Samples and analysis

25.—(1) For the purpose of monitoring water bottled and labelled as “spring water” and bottled drinking water, each district council must carry out—

- (a) sampling and analysis in accordance with Schedule 10 to check compliance with the parametric values specified in Parts 2 and 3 of Schedule 7; and
- (b) sampling and analysis in accordance with Schedule 11 to check compliance with the parametric value for indicative dose specified in Part 4 of Schedule 7.

(2) Each district council must take samples at the point at which the water is bottled.

Remedial action

26.—(1) If a district council determines that water bottled and labelled as “spring water” or bottled drinking water does not comply with the parametric concentrations or values specified in Schedule 7, the district council must—

- (a) immediately investigate the non-compliance in order to identify the cause;
- (b) assess whether the non-compliance poses a risk to human health which requires action;
- (c) require the business operator to take remedial action as soon as possible to restore the quality of the water where that is necessary to protect human health;
- (d) in respect of any parameter specified in Parts 2 and 3 of Schedule 7, notify the general public of the remedial action taken, unless the district council considers that non-compliance with the parametric value is trivial; and
- (e) in respect of any parameter specified in Part 4 of Schedule 7, notify the general public of the risks and remedial action taken and advise the general public on any additional precautionary measures that may be needed for the protection of human health in respect of radioactive substances.

(2) If water bottled and labelled as “spring water” or bottled drinking water constitutes a potential danger to human health, irrespective of whether it meets the relevant parametric values in Schedule 7, the district council must—

- (a) prohibit or restrict the supply of that water in its area or take such other action as is necessary to protect human health; and
- (b) inform the general public promptly of that fact and provide advice where necessary.

(3) In performing the function in paragraph (2), the district council must have regard to any risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

CHAPTER 3

Treatments

Monitoring of certain treatments

27.—(1) Each district council must carry out periodic checks on any fluoride removal treatment which it has authorised to ensure that the requirements of paragraph 3 of Schedule 2 continue to be satisfied.

(2) Each district council must carry out periodic checks on any ozone-enriched air treatment which it has authorised to ensure that the requirements of paragraph 4 of Schedule 3 continue to be satisfied.

CHAPTER 4

Samples

General

28. The district council must ensure that each sample is representative of the quality of the water concerned consumed throughout the year in which the sample is taken.

Delivery

29.—(1) An authorised officer who has procured a sample under Article 29 of the Order and is required to give part of that sample to the owner in accordance with regulation 7(3)(c) of the

Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013(a), may deliver that sample—

- (a) directly to the owner or the owner's agent; or
- (b) by registered post or recorded delivery service.

(2) If, after reasonable enquiry, the authorised officer is unable to ascertain the name and address of the owner, the authorised officer may retain the sample.

(3) In this regulation, "owner" has the same meaning as in the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013.

Notification

30.—(1) An authorised officer who has procured a sample of water under Article 29 of the Order for the purpose of analysis by a public analyst must serve notice in accordance with paragraph (2) if it appears that the water was exploited or bottled by a person (other than the owner) having a name and an address in the United Kingdom displayed on the bottle.

(2) The authorised officer must, within three days of procuring the sample, send to that person a notice informing them—

- (a) that the sample has been procured by the authorised officer; and
- (b) where the sample was taken or, as the case may be, from whom it was purchased.

(3) Paragraph (1) does not apply if the authorised officer decides not to have the sample analysed.

Analysis by the Government Chemist

31.—(1) Paragraphs (2) to (6) apply where a part of a sample procured under Article 29 of the Order has been submitted for analysis and another part of the sample has been retained in accordance with regulation 7(3)(e) of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013 and—

- (a) an improvement notice has been served on a person under Article 9(1) of the Order, as applied and modified by regulation 33, as read with Schedule 12, for a contravention of a provision of these Regulations in connection with that sample;
- (b) an appeal against that improvement notice has been made by that person to a court of summary jurisdiction; and
- (c) the authorised officer intends to adduce as evidence the result of the analysis of the sample procured under Article 29 of the Order.

(2) An authorised officer—

- (a) may of his own volition;
- (b) must, if requested by the court; or
- (c) must, subject to paragraph (6), if requested by the recipient of the improvement notice, send the retained part of the sample to the Government Chemist for analysis.

(3) The Government Chemist must analyse, or direct a food analyst to analyse, the part of the sample sent under paragraph (2) and send to the authorised officer a Government Chemist's certificate of analysis.

(4) Any certificate sent by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by a person under the direction of the person who signs the certificate.

(5) On receipt of the certificate the authorised officer must, as soon as is reasonably practicable, supply a copy of it to the court and to the recipient of the improvement notice.

(a) S.R. 2013 No. 66

(6) Where a request is made under paragraph (2)(c), the authorised officer may request payment of a fee specified in writing from the recipient of the improvement 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 recipient of the improvement notice to pay the fee specified in the notice the authorised officer may refuse to comply with the request.

PART 6

Enforcement and miscellaneous provisions

Enforcement

32. Each district council must execute and enforce these Regulations in its district.

Application of the Order: Improvement Notices

33.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply subject to paragraphs (2) and (3) and with the modification (in the case of Article 9(1)) specified in Part 1 of Schedule 12 for the purposes of enabling an improvement notice to be served on a person requiring that person to comply with any of the provisions specified in that modification and making the failure to comply with an improvement notice an offence.

(2) An authorised officer must not serve an improvement notice under Article 9(1) of the Order, as applied and modified by this regulation and Part 1 of Schedule 12 if—

- (a) the improvement notice would relate to water bottled and labelled before 28th November 2015; and
- (b) the matters constituting the alleged contravention would not have constituted an offence under the Regulations listed in regulation 36.

(3) If water bottled and labelled as “spring water” or bottled drinking water does not meet the requirements of paragraph 1(c) of Part 1 of Schedule 7 an authorised officer must not serve an improvement notice under Article 9(1) of the Order as applied and modified by this regulation, as read with Schedule 12 if—

- (a) the water was bottled or sold in an EEA State other than the United Kingdom; and
- (b) the water complied with the law in that EEA State when it was bottled or sold.

(4) Paragraph (1) is without prejudice to the application of the Order to these Regulations for purposes other than those specified in paragraph 1.

Application of other provisions of the Order

34.—(1) Article 33 of the Order (powers of entry) applies, with the modification (in the case of Article 33(1)) specified in Part 2 of Schedule 12 for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of Regulation 115/2010 specified in Schedule 12;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under Article 33, as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(2) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Part 3 of Schedule 12 for the purpose of enabling a decision to serve a notice referred to in Regulation 33(1) to be appealed.

(3) The provisions of the Order specified in column 1 of the table in Part 4 of Schedule 12 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

(4) Paragraphs (1) to (3) are without prejudice to the application of the Order to these Regulations for purposes other than those specified in those paragraphs.

Savings and transitional provisions

35.—(1) Any recognition of water as natural mineral water granted under the Natural Mineral Waters Regulations (Northern Ireland) 1985, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999, or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 and subsisting on the date that these Regulations come into operation must—

- (a) in the case of water extracted from the ground in Northern Ireland, be treated as if it were recognition granted by the district council under regulation 4(2)(a); and
- (b) in the case of water extracted from the ground in a country other than an EEA State, be treated as if it were recognition granted by the Agency under regulation 4(2)(d)(i).

(2) The revocation of the Regulations listed in regulation 36 does not affect the validity of any authorisation, recognition or notification made or given by the Agency or the district council under those Regulations, and any such authorisation, recognition or notification continues in effect.

(3) Where an application has been made under the Regulations listed in regulation 36 to a district council for recognition of water as natural mineral water, the application is to be treated as if it had been made under these Regulations.

Revocations

36. The following Regulations are revoked—

- (a) the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007(a);
- (b) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2009(b);
- (c) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2010(c);
- (d) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (No.2) Regulations (Northern Ireland) 2010(d); and
- (e) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2011(e)

Consequential Amendments

37. Schedule 13 (consequential amendments) has effect.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th November 2015.



Julie Thompson
A senior officer of the Department of Health, Social Services and Public Safety

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- (a) S.R. 2007 No. 420, amended by S.R. 2009 No. 260, S.R. 2010 Nos. 68 and 127 and S.R. 2011 No. 53
 - (b) S.R. 2009 No. 260
 - (c) S.R. 2010 No. 68, amended by S.R. 2010 No. 127
 - (d) S.R. 2010 No. 127
 - (e) S.R. 2011 No. 53

Recognition of natural mineral water

PART 1

Natural mineral water extracted from the ground in Northern Ireland

1. A person seeking to have water which is extracted from the ground in Northern Ireland recognised as natural mineral water for the purposes of Article 1 of Directive 2009/54 must apply in writing to the district council within whose district the water is extracted, giving the following information—

- (a) the particulars specified in paragraph 1 of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraphs 1 and 2, as read with paragraph 4 of Part 3 are established; and
- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

2. Where information on the anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 1(b), the concentration of each such anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must be expressed in the unit of measurement specified in the second column of the tables in Part 4.

3. Where information required by paragraph 1 has been given, the district council must assess it and must recognise the water to which the information relates as natural mineral water if it is satisfied that—

- (a) the water is natural mineral water which complies with paragraph 3 of Section 1 of Annex 1 to Directive 2009/54;
- (b) the characteristics of the water have been assessed in accordance with—
 - (i) the points numbered 1 to 4 in paragraph 2(a) of Section I of Annex I to Directive 2009/54;
 - (ii) the particulars and criteria listed in Part 3; and
 - (iii) recognised scientific methods.

4. The district council must, on recognising a natural mineral water in accordance with paragraph 3, publish an announcement of such recognition and the grounds on which it has been granted in the Belfast Gazette.

PART 2

Natural mineral water extracted from the ground in a country other than an EEA State

1. A person seeking to have a water which is extracted from the ground in a country other than an EEA State recognised as a natural mineral water for the purposes of Article 1 of Directive 2009/54 must apply in writing to the Agency, giving the following information—

- (a) the particulars in paragraph 1 of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraphs 2 and 3, as read with paragraph 4 of Part 3; and
- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

2. Where information on anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 1(b), the concentration of each anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must in the unit of measurement in the second column of the tables in Part 4.

3. The Agency must recognise such a water if the responsible authority of the country in which the water is extracted has certified that—

- (a) it is satisfied—
 - (i) that the requirements in paragraphs 2 and 3 of Part 3 are established;
 - (ii) with the evidence given pursuant to paragraph 1(c); and
- (b) periodic checks are made to ascertain that—
 - (i) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I to Directive 2009/54;
 - (ii) the characteristics of the water are assessed in accordance with—
 - (aa) points numbered 1 to 4 in paragraph 2(a) of Section I of Annex I of Directive 2009/54;
 - (bb) the particulars and criteria listed in Part 3; and
 - (cc) recognised scientific methods; and
 - (iii) the provisions of Schedule 4 are being applied by the person exploiting the spring.

4. Recognition of such water lapses after a period of five years unless the responsible district council of the country in which the water is extracted has renewed the certification required by paragraph 3.

5. The Agency must, on recognising water in accordance with this Part publish an announcement of such recognition in the London Gazette, Edinburgh Gazette and Belfast Gazette.

PART 3

Requirements and criteria for recognition as a natural mineral water

1. A person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 1 of Part 2 of this Schedule, must carry out—

- (a) geological and hydrological surveys which include the following particulars—
 - (i) the exact site of the catchment with an indication of its altitude, on a map with a scale of not more than 1:1,000;
 - (ii) a detailed geological report on the origin and nature of the terrain;
 - (iii) the stratigraphy of the hydrogeological layer;
 - (iv) a description of the catchment operations; and
 - (v) the demarcation of the area or details of other measures protecting the spring against pollution.
- (b) physical, chemical and physico-chemical surveys which must establish—
 - (i) the rate of flow of the spring;
 - (ii) the temperature of the water at source and the ambient temperature;
 - (iii) the relationship between the nature of the terrain and the nature and type of minerals in the water;
 - (iv) the dry residues at 180°C and 260°C;
 - (v) the electrical conductivity or resistivity, with the measurement temperature being specified;

- (vi) the hydrogen ion concentration (pH);
 - (vii) the anions and cations;
 - (viii) the non-ionised elements;
 - (ix) the trace elements;
 - (x) the radio-actinological properties at source;
 - (xi) where appropriate, the relative isotope levels of the constituent elements of water, oxygen (^{16}O – ^{18}O) and hydrogen (protium, deuterium, tritium); and
 - (xii) the toxicity of certain constituent elements of the water, taking account of the limits laid down for each of them.
- (c) a microbiological analysis at source which must show—
- (i) the absence of parasites and pathogenic micro-organisms;
 - (ii) quantitative determination of the revivable colony count indicative of faecal contamination, demonstrating an absence of—
 - (aa) *Escherichia coli* and other coliforms in 250ml at 37°C and 44.5°C,
 - (bb) faecal streptococci in 250 ml,
 - (cc) sporulated sulphite-reducing anaerobes in 50ml, and
 - (dd) *Pseudomonas aeruginosa* in 250 ml; and
 - (iii) the revivable total colony count per ml of water—
 - (aa) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture, and
 - (bb) at 37°C in 24 hours on agar-agar.

2.—(1) Subject to subparagraph (2), a person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 1 of Part 2 of this Schedule, must carry out clinical and pharmacological analyses in accordance with scientifically recognised methods which should be suited to the particular characteristics of the natural mineral water and its effect on the human body, such as diuresis, gastric and intestinal functions, and compensation for mineral deficiencies.

(2) Clinical analyses may, in appropriate cases, take the place of the pharmacological analyses referred to in subparagraph (1), provided that the consistency and concordance of a substantial number of clinical observations enable the same results to be obtained.

PART 4

Particulars of anions, cations, non-ionised compounds and trace elements

Table A

<i>Anions</i>	<i>Unit of measurement</i>
Borate BO ₃ -	mg/l
Carbonate CO ₃ ²⁻	mg/l
Chloride Cl ⁻	mg/l
Fluoride F ⁻	mg/l
Hydrogen Carbonate HCO ₃ ⁻	mg/l
Nitrate NO ₃ ⁻	mg/l
Nitrite NO ₂ ⁻	mg/l
Phosphate PO ₄ ³⁻	mg/l
Silicate SiO ₂ ²⁻	mg/l
Sulphate SO ₄ ²⁻	mg/l
Sulphide S ²⁻	mg/l

Table B

<i>Cations</i>	<i>Unit of measurement</i>
Aluminium Al	mg/l
Ammonium NH ₄ +	mg/l
Calcium Ca	mg/l
Magnesium Mg	mg/l
Potassium K	mg/l
Sodium Na	mg/l

Table C

<i>Non-ionised compounds</i>	<i>Unit of measurement</i>
Total organic carbon C	mg/l
Free carbon dioxide CO ₂	mg/l
Silica SiO ₂	mg/l

Table D

<i>Trace elements</i>	<i>Unit of measurement</i>
Barium Ba	mg/l
Bromine (total) Br	mg/l
Cobalt Co	mg/l
Copper Cu	mg/l
Iodine (total) I	mg/l
Iron Fe	mg/l
Lithium Li	mg/l
Manganese Mn	mg/l
Molybdenum Mo	mg/l
Strontium Sr	mg/l
Zinc Zn	mg/l

SCHEDULE 2 Regulations 9(1)(a)(iii) and 15(1)(a)(III)

Fluoride removal treatment

1. A person must not carry out fluoride removal treatment on natural mineral water or water intended to be bottled and labelled as “spring water” unless that treatment is authorised by the district council within whose area the water is extracted.

2. A person seeking authorisation to carry out fluoride removal treatment must—

- (a) apply in writing to the district council within whose area the water is extracted;
- (b) permit representatives of that district council to examine the proposed method of treatment and place of treatment and take samples for analysis; and
- (c) provide such information in support of the application as is requested by the district council.

3. The district council must assess the application and any supporting information and must authorise the fluoride removal treatment if it is satisfied that—

- (a) Articles 1 to 3 of Regulation 115/2010 are complied with in relation to the treatment; and
- (b) the treatment does not have a disinfectant action.

4. Where the district council decides to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing and state the date from which the authorisation for use of the treatment has effect.

5. Where the district council decides to refuse to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing, stating its reasons.

6. Where a fluoride removal treatment has been authorised pursuant to paragraph 3, the person carrying out the treatment must, for the purpose of enabling the district council to assess whether the conditions in paragraph 3 continue to be satisfied—

- (a) permit representatives of the district council to examine the method of treatment and place of treatment and take samples for analysis; and
- (b) provide such information related to the treatment as is requested by the district council.

7. Where the district council is satisfied that the conditions specified in paragraph 3 are no longer fulfilled, it may withdraw authorisation of a fluoride removal treatment by giving the person carrying out the treatment a written notice stating the grounds for withdrawal.

8. Where the district council has informed an applicant under paragraph 6 of its decision to refuse to authorise a treatment under paragraph 4 or to withdraw authorisation of a treatment under paragraph 8, the person who wishes to carry out the treatment may within 6 months of being notified of that decision apply to the Agency for a review.

9. The Agency, upon receiving an application under paragraph 8, must within 3 months from the date of that application—

- (a) make such inquiries into the matter as the Agency considers appropriate;
- (b) consider the results of those inquiries and any other relevant facts; and
- (c) either—
 - (i) confirm the decision; or
 - (ii) direct the district council to grant or restore authorisation of a fluoride removal treatment as appropriate.

10. The district council must immediately comply with a direction of the Agency under paragraph 9(c)(ii).

SCHEDULE 3 Regulation 9(1)(a)(iv) and 15(1)(a)(vi)

Ozone-enriched air treatment

1. A person must not carry out an ozone-enriched air treatment on natural mineral water or water intended to be bottled and labelled as “spring water” “unless—

- (a) it is for the purpose of separating compounds of iron, manganese, sulphur and arsenic from water in which they occur naturally at source;
- (b) prior to treatment the requirements of paragraphs 3, 4 and 5 of Schedule 4 are satisfied; and
- (c) the treatment does not have a disinfectant action.

2. An ozone-enriched air treatment must not—

- (a) modify the physico-chemical composition of the water in terms of its characteristic constituents; or
- (b) leave residues in the water which could pose a risk to public health, or, in the case of the substances listed below, above the levels specified.

<i>Treatment residue</i>	<i>Maximum limit µg/l</i>
Dissolved ozone	50
Bromate	3
Bromoform	1

- 3.** A person seeking authorisation to carry out an ozone-enriched air treatment must—
- make an application in writing to the district council in whose area the water is extracted;
 - permit representatives of that district council to examine the proposed method of treatment, and place of treatment and take samples for analysis; and
 - provide such information in support of the application as is requested by the district council.
- 4.** The district council must assess the application and any supporting information and must authorise the ozone-enriched air treatment if it is satisfied that—
- the treatment process is justified by the composition of the water at source in terms of compounds of iron, manganese, sulphur and arsenic;
 - the person carrying out the treatment is taking all necessary measures to ensure that the treatment is effective and safe; and
 - the treatment otherwise complies with paragraphs 1 and 2.
- 5.** Where the district council decides to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the operator of the treatment in writing stating the date from which the authorisation for use of the treatment has effect.
- 6.** Where the district council refuses to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the applicant in writing, stating its reasons.
- 7.** Where an ozone-enriched air treatment has been authorised pursuant to paragraph 4, the person carrying out the treatment must, for the purpose of enabling the district council to assess whether the conditions in paragraph 4(a) and (b) continue to be satisfied—
- permit representatives of the district council to examine the method of treatment and place of treatment and take samples for analysis; and
 - provide such information related to the treatment as is requested by the district council.
- 8.** The district council may withdraw authorisation of an ozone-enriched air treatment if it is satisfied that the conditions specified in paragraph 4 are no longer fulfilled, by giving the person operating the treatment a written notice stating the grounds for withdrawal.
- 9.** Where the district council has informed an applicant under paragraph 5 of its decision to refuse to authorise a treatment under paragraph 3 or to withdraw authorisation of a treatment under paragraph 7, the person who wishes to carry out the treatment may within 6 months of being notified of that decision apply to the Agency for a review.
- 10.** The Agency, upon receiving an application under paragraph 9, must within 3 months from the date of that application—
- make such inquiries into the matter as the Agency considers appropriate;
 - consider the results of those inquiries and any other relevant facts; and
 - either—
 - confirm the decision; or
 - direct the district council to grant or restore authorisation of the ozone-enriched air treatment as appropriate.
- 11.** The district council must immediately comply with a direction of the Agency under paragraph 10(c)(ii).

Exploitation and bottling requirements for natural mineral water and water intended to be labelled and sold as “spring water”

1. Equipment for exploiting the water must be so installed as to avoid any possibility of contamination and to preserve the properties corresponding to those ascribed to it which the water possesses at source.

2. The spring or outlet must be protected against the risks of pollution.

3. The catchment, pipes and reservoirs must be of materials suitable for water and so built as to prevent any chemical, physico-chemical or microbiological alteration of the water.

4. The conditions of exploitation, particularly the washing and bottling equipment, must meet hygiene requirements including in particular, that containers must be so treated or manufactured as to avoid adverse effects on the microbiological and chemical characteristics of the water.

5.—(1) Subject to subparagraphs (2) and (3), water must not be transported in containers other than those authorised for distribution to the ultimate consumer.

(2) Natural mineral water may be transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer if on or before 17th July 1980 water from that spring was so transported.

(3) Water intended to be labelled and sold as “spring water” may be transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer if, on or before 13th December 1996, water from that spring was so transported.

6.—(1) The revivable total colony count of the water at source, determined according to subparagraph (2), must conform to the normal viable colony count of that water and must not show that the source of that water is contaminated.

(2) The colony count is that determined per ml of water—

- (a) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture; and
- (b) at 37°C in 24 hours on agar-agar.

7.—(1) After bottling, the total colony count of the water at source may not exceed—

- (a) 100 per ml at 20 to 22°C in 72 hours on agar-agar or on agar-gelatine mixture; and
- (b) 20 per ml at 37°C in 24 hours on agar-agar.

(2) The total colony count of the water must be measured within a period of 12 hours following bottling, the water being maintained at 4°C +/- 1°C during that period.

8. Water must be free from—

- (a) parasites and pathogenic micro-organisms;
- (b) *Escherichia coli* and other coliforms and faecal streptococci in any 250 ml sample examined;
- (c) sporulated sulphite-reducing anaerobes in any 50ml sample examined; and
- (d) *Pseudomonas aeruginosa* in any 250 ml sample examined.

SCHEDULE 5

Regulation 10

Constituents of natural mineral water

PART 1

Maximum limits for constituents of natural mineral water

<i>Constituents⁽¹⁾</i>	<i>Maximum limits (mg/l)</i>
Antimony	0.0050
Arsenic	0.010 (as total)
Barium	1.0
Cadmium	0.003
Chromium	0.050
Copper	1.0
Cyanide	0.070
Fluoride	5.0
Lead	0.010
Manganese	0.50
Mercury	0.0010
Nickel	0.020
Nitrate	50
Nitrite	0.1
Selenium	0.010

⁽¹⁾ The constituents described above refer to constituents naturally present in the water at source and not to substances present as the result of contamination.

PART 2

Performance characteristics for analysing the constituents in Part 1

<i>Constituents⁽¹⁾</i>	<i>Accuracy parametric value %⁽²⁾</i>	<i>of Precision value in parametric value⁽³⁾</i>	<i>of Detection limit of parametric value in %⁽⁴⁾</i>
Antimony	25	25	25
Arsenic	10	10	10
Barium	25	25	25
Cadmium	10	10	10
Chromium	10	10	10
Copper	10	10	10
Cyanide ⁽⁵⁾	10	10	10
Fluoride	10	10	10
Lead	10	10	10
Manganese	10	10	10
Mercury	20	10	20
Nickel	10	10	10
Nitrate	10	10	10
Nitrite	10	10	10
Selenium	10	10	10

⁽¹⁾ The method of analysis used to measure the concentration of the constituents in Part 1 must be capable of measuring concentrations equal to the parametric value with the specified accuracy, precision and detection limits. Regardless of the sensitivity of the method of analysis, the result must be

expressed to at least the same number of decimal places as the maximum limit set out in Part 1 for the particular constituent being analysed.

(2) Accuracy is the systematic error and represents the difference between the average value of a large number of repeated measurements and the exact value.

(3) Precision represents the random error and is expressed in general as the standard deviation (within a batch and between batches) of a sample of results from the average. Acceptable precision is equal to twice the relative standard deviation.

(4) The detection limit is—

(a) three times the relative standard deviation within a batch of a natural sample containing a low concentration of the constituent; or

(b) five times the relative standard deviation within a batch of a virgin sample.

(5) The method should make it possible to determine cyanide in all its forms.

SCHEDULE 6

Regulation 11(1)(e)

Labelling indications for natural mineral water

<i>Indication</i>	<i>Criteria</i>
Low mineral content	Mineral salt content, calculated as a fixed residue, not greater than 500 mg/l
Very low mineral content	Mineral salt content, calculated as a fixed residue, not greater than 50 mg/l
Rich in mineral salts	Mineral salt content, calculated as a fixed residue, greater than 1500 mg/l
Contains bicarbonate	Bicarbonate content greater than 600 mg/l
Contains sulphate	Sulphate content greater than 200 mg/l
Contains chloride	Chloride content greater than 200 mg/l
Contains calcium	Calcium content greater than 150 mg/l
Contains magnesium	Magnesium content greater than 50 mg/l
Contains fluoride	Fluoride content greater than 1 mg/l
Contains iron	Bivalent iron content greater than 1 mg/l
Acidic	Free carbon dioxide content greater than 250 mg/l
Contains sodium	Sodium content greater than 200 mg/l
Suitable for a low-sodium diet	Sodium content less than 20 mg/l

SCHEDULE 7

Regulations 14(1)(d) and 19

Requirements for water bottled and labelled as “spring water” and bottled drinking water including prescribed concentrations or values of parameters

PART 1

Requirements for water bottled and labelled as spring water and bottled drinking water

1. Water satisfies the requirements if—

- (a) the water does not contain any micro-organism (other than a parameter) or parasite, or any property, element or substance (other than a parameter), at a concentration or value which would constitute a potential danger to human health;

- (b) the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other property, element, substance or organism it contains (whether or not a parameter), would constitute a potential danger to human health; and
- (c) the water does not contain concentrations or values of any of the parameters listed in the Tables in Part 2, Part 3 and Part 4 in excess of the prescribed concentrations or values.

2. The concentrations or values of the parameters listed in the Tables in Part 2, Part 3 and Part 4 shall be read in conjunction with the notes to those Tables.

PART 2

Parametric values for microbiological and chemical parameters

Table A: Microbiological Parameters

<i>Item</i>	<i>Parameter</i>	<i>Units of Measurement</i>	<i>Maximum Concentration or Value</i>
1.	<i>Escherichia coli</i> (<i>E coli</i>)	number/250 ml	0/250 ml
2.	Enterococci	number/250 ml	0/250 ml
3.	<i>Pseudomonas aeruginosa</i>	number/250ml	0/250 ml
4.	Colony count 22°C	number/ml	100/ml ^{(1) (2)}
5.	Colony count 37°C	number/ml	20/ml ^{(1) (3)}

⁽¹⁾ The total viable colony count should be measured within 12 hours of bottling, with the sample water being kept at a constant temperature during that 12 hour period. Any increase in the total viable colony count of the water between 12 hours after bottling and the time of sale should not be greater than that normally expected.

⁽²⁾ In 72 hours on agar-agar or an agar-gelatine mixture.

⁽³⁾ In 24 hours on agar-agar.

Table B: Chemical Parameters

<i>Item</i>	<i>Parameter</i>	<i>Units of Measurement</i>	<i>Maximum Concentration or Value</i>
1.	Acrylamide	µg/l	0.10 ⁽¹⁾
2.	Antimony	µg Sb/l	5
3.	Arsenic	µg As/l	10
4.	Benzene	µg/l	1.0
5.	Benzo (a) pyrene	µg/l	0.010
6.	Boron	mg/l	1.0
7.	Bromate	µg/l BrO ₃ /l	10
8.	Cadmium	µg Cd/l	5
9.	Chromium	µg Cr/l	50
10.	Copper	mg Cu/l	2
11.	Cyanide	µg CN/l	50
12.	1,2-dichloroethane	µg/l	3.0
13.	Epichlorohydrin	µg/l	0.10 ⁽¹⁾
14.	Fluoride	mg F/l	1.5
15.	Lead	µg Pb/l	10
16.	Mercury	µg Hg/l	1
17.	Nickel	µg Ni/l	20
18.	Nitrate	mg NO ₃ /l	50 ⁽²⁾
19.	Nitrite	mg NO ₂ /l	0.5 ⁽²⁾

20.	Pesticides and related products:		
	- individual substances	µg/l	0.10 ^{(3) (4)}
	- total substances	µg/l	0.50 ^{(3) (5)}
21.	Polycyclic aromatic hydrocarbons	µg/l	0.1 sum of concentrations of specified compounds ⁽⁶⁾
22.	Selenium	µg Se/l	10
23.	Tetrachloroethene and Trichloroethene	µg/l	10 ⁽⁷⁾
24.	Trichloromethane, Dichlorobromomethane, Dibromochloromethane and Tribromomethane	µg/l	100 ⁽⁷⁾
25.	Vinyl chloride	µg/l	0.50 ⁽¹⁾

⁽¹⁾ The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

⁽²⁾ The concentration (mg/l) of nitrate divided by 50 added to the concentration (mg/l) of nitrite divided by 3 must not exceed 1.

⁽³⁾ "Pesticides" means:

- organic insecticides,
- organic herbicides,
- organic fungicides,
- organic nematocides,
- organic acaricides,
- organic algicides,
- organic rodenticides,
- organic slimicides, and
- related products (*inter alia*, growth regulators) and their relevant metabolites, degradation and reaction products.

Only those pesticides which are likely to be present in a given water need to be monitored.

⁽⁴⁾ The maximum concentration applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the maximum concentration is 0.030 µg/l.

⁽⁵⁾ The maximum concentration for "total substances" refers to the sum of the concentrations of all individual pesticides detected and quantified in the monitoring procedure.

⁽⁶⁾ The specified compounds are benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, indeno(1,2,3-cd)pyrene.

⁽⁷⁾ The maximum concentration specified applies to the sum of the concentrations of the specified parameters.

PART 3

Parametric values for indicator parameters

Table C: Indicator Parameters

<i>Item</i>	<i>Parameter</i>	<i>Units of Measurement</i>	<i>Maximum Concentration or Value</i>
1.	Aluminium	µg/l	200
2.	Ammonium	mg/l	0.50
3.	Chloride	mg/l	250 ⁽¹⁾
4.	<i>Clostridium perfringens</i> (including	number/100ml	0 ⁽²⁾

	spores)		
5.	Colour	Mg/1 Pt/Co scale	20
6.	Conductivity	$\mu\text{S cm}^{-1}$ at 20°C	2500 ⁽¹⁾
7.	Hydrogen ion concentration	pH units	4.5 (minimum) 9.5 (maximum) ⁽¹⁾
8.	Iron	$\mu\text{g/l}$	200
9.	Manganese	$\mu\text{g/l}$	50
10.	Odour	Dilution number	3 at 25°C
11.	Oxidisability	mg/l O ₂	5 ⁽³⁾
12.	Sulphate	mg/l	250 ⁽¹⁾
13.	Sodium	mg/l	200
14.	Taste	Dilution number	3 at 25°C
15.	Colony Count 22°	No abnormal change	
16.	Coliform bacteria	number/250ml	0
17.	Total Organic Carbon	No abnormal change	⁽⁴⁾
18.	Turbidity	Acceptable to consumers and no abnormal change	

⁽¹⁾ The water must not be aggressive.

⁽²⁾ Necessary only if the water originates from or is influenced by surface water.

⁽³⁾ This parameter need not be measured if the parameter Total Organic Carbon is analysed.

⁽⁴⁾ This parameter need not be measured for supplies of less than 10,000m³ a day.

PART 4

Parametric values for radon, tritium and indicative dose (ID)

Table D:

<i>Item</i>	<i>Parameter</i>	<i>Unit of Measurement</i>	<i>Maximum Concentration or Value</i>
1.	Radon	Bq/l	100 ⁽¹⁾
2.	Tritium	Bq/l	100 ⁽²⁾
3.	Indicative Dose	mSv	0.10

⁽¹⁾ Remedial action is deemed to be justified on radiological protection grounds, without further consideration, where radon concentrations exceed 1000 Bq/l.

⁽²⁾ Elevated levels of tritium may indicate the presence of other artificial radionuclides. If the tritium concentration exceeds its parametric value, an analysis of the presence of other artificial radionuclides is required.

SCHEDULE 8

Regulation 24 (2)(a)

Monitoring for parameters other than radioactive substances in water bottled and labelled as “spring water” and bottled drinking water

PART 1

Check monitoring

Sampling

1. A district council must undertake check monitoring in accordance with this Part.
2. Check monitoring means sampling water bottled and labelled as “spring water” and bottled drinking water for each parameter listed in Table 1 in the circumstances listed in that table in order—
 - (a) to determine whether the water complies with the parametric concentrations or values in Parts 2 and 3 of Schedule 7;
 - (b) to provide information on the organoleptic and microbiological quality of the water; and
 - (c) to establish the effectiveness of the treatment of the water, including disinfection.

Table 1

<i>Parameter</i>	<i>Circumstances</i>
Aluminium	Necessary only when used as flocculant
Ammonium	In all supplies
Colour	In all supplies
Conductivity	In all supplies
<i>Clostridium perfringens</i> (including spores)	Necessary only if the water originates from or is influenced by surface water
<i>Escherichia coli</i> (<i>E. Coli</i>)	In all supplies
Hydrogen ion concentration	In all supplies
Iron	Necessary only when used as flocculant
Nitrite	Necessary only when chloramination is used as a disinfectant
Odour	In all supplies
<i>Pseudomonas aeruginosa</i>	In all supplies
Taste	In all supplies
Colony count 22°C and 37°C	In all supplies
Coliform bacteria	In all supplies
Turbidity	In all supplies

Frequency of sampling

3. Sampling must be carried out at frequencies specified in Table 2.

Table 2

<i>Volume of water produced for offering for sale in bottles or containers each day (m³)⁽¹⁾</i>	<i>Number of samples per year</i>
≤ 10	1
> 10 ≤ 60	12
> 60	1 for each 5m ³ and part thereof of the total volume

⁽¹⁾ The volumes are calculated as averages taken over a calendar year.

PART 2

Audit Monitoring

Sampling

1. A district council must undertake audit monitoring in accordance with this Part.
2. Audit monitoring means sampling water bottled and labelled as “spring water” and bottled drinking water for each parameter listed in Part 2 and 3 of Schedule 7 (other than parameters already being sampled under check monitoring) in order to—
 - (a) provide the information necessary to determine whether the water complies with the parametric concentrations or values in Schedule 7;
 - (b) check that, if disinfection is used, disinfection by-products are kept as low as possible without compromising disinfection; and
3. Sampling must be carried out at frequencies specified in Table 3.

Table 3

<i>Volume of water produced for offering for sale in bottles or containers each day (m³)⁽¹⁾</i>	<i>Number of samples per year</i>
≤ 10	1
> 10 ≤ 60	1
> 60	1 for each 100 m ³ and part thereof of the total volume

⁽¹⁾ The volumes are calculated as averages taken over a calendar year.

SCHEDULE 9

Regulation 24 (2)(b)

Monitoring for radioactive substances in water bottled and labelled as “spring water” and bottled drinking water

PART 1

General

General

1. Each district council must monitor water bottled and labelled as “spring water” and bottled drinking water for radon, tritium and indicative dose in accordance with this Part.

Radon

2. Each district council must undertake representative surveys to determine the scale and nature of likely exposure to radon originating from different types of ground water sources and wells in different geological areas.
3. The representative surveys must be designed in such a way that underlying parameters, including the geology and hydrology of the area, radioactivity of rock or soil and well type, can be identified and used to direct further action to areas of likely high exposure.

4. Each district council must monitor for radon if there is reason to believe, on the basis of the results of the representative surveys or other reliable information, that the parametric value for radon specified in Part 4 of Schedule 7 might be exceeded.

Tritium

5. Each district council must monitor for tritium if an anthropogenic source of tritium or other artificial radionuclide is present within the catchment area and it cannot be shown on the basis of other surveillance programmes or investigations that the level of tritium is below the parametric value specified in Part 4 of Schedule 7.

6. Sampling must be carried out at the frequencies specified in the Table in Part 2.

7. If the concentration of tritium exceeds the parametric value specified in Part 4 of Schedule 7, the district council must investigate the presence of other artificial radionuclides.

Indicative dose

8. Each district council must monitor for indicative dose if a source of artificial or elevated natural radioactivity is present and it cannot be shown on the basis of representative monitoring programmes or other investigations that the level of indicative dose is below the parametric value specified in Part 4 of Schedule 7.

9. Sampling must be carried out at the frequencies specified in the Table in Part 2.

10. The district council may use various reliable screening strategies to monitor for the parametric indicator value for indicative dose.

11. If the district council screens for an individual radionuclide or certain radionuclides and—

- (a) one of the activity concentrations exceeds 20% of the corresponding derived value specified in [Table 1 in Part 2 of Schedule 11]; or
- (b) where applicable, the concentration of tritium exceeds the parametric value specified in Part 4 of Schedule 7,

the district council must investigate the presence of other radionuclides, as determined by the district council, taking into account all relevant information about likely sources of radioactivity.

12.—(1) If the district council screens for gross alpha activity and gross beta activity and—

- (a) the screening level for gross alpha activity exceeds 0.1 Bq/l; or
- (b) the screening level for gross beta activity exceeds 1.0 Bq/l,

the district council must investigate the presence of other radionuclides as determined by the food authority, taking into account all relevant information about likely sources of radioactivity.

(2) The district council may set alternative screening levels for gross alpha activity and gross beta activity if it can demonstrate that the alternative levels are in compliance with an indicative dose of 0.1mSv.

(3) If elevated levels of tritium are detected which indicate the presence of other artificial radionuclides, tritium, gross alpha activity and gross beta activity must be measured in the same sample.

(4) If the gross alpha activity and gross beta activity are less than 0.1 Bq/l and 1.0 Bq/l respectively, the district council may assume that the indicative dose is less than the parametric value of 0.1 mSv in which case further radiological investigation is not required unless it is known from other sources of information that specific radionuclides are present in the water that are liable to cause an indicative dose in excess of 0.1 mSv.

Exemption from monitoring

13. A district council is not required to monitor water bottled and labelled as “spring water” or bottled drinking water for radon, tritium or indicative dose if it—

- (a) is satisfied on the basis of representative surveys, monitoring data or other reliable information that, for a minimum period of 5 years, the parameter in question will remain below the respective parametric value specified in Part 4 of Schedule 7; and
- (b) it notifies the Agency of that decision and provides the Agency with a copy of the representative surveys, monitoring data or other reliable information referred to in paragraph (a).

Treatment of bottled drinking water

14. Where bottled drinking water has been treated to reduce the level of radionuclides, the district council must carry out monitoring at the frequencies indicated in the Table in Part 2 to ensure the continued efficacy of that treatment.

Averaging

15. If a parametric value specified in Part 4 of Schedule 7 is exceeded in a sample of water, the district council must *[take further samples, as appropriate, having regard to any guidance issued by the Agency]* to ensure that the measured values are representative of an average activity concentration for a full year.

PART 2

Minimum sampling and analysis frequencies

<i>Volume of water produced each day within a supply zone⁽¹⁾ ⁽²⁾m³</i>	<i>Number of samples per year⁽³⁾</i>
volume ≤ 100	1
100 < volume ≤ 100	1
1,000 < volume ≤ 10,000	1
	+1 for each 3,300m ³ /d and part thereof of the total volume
10, 000 < volume ≤ 100,000	3
	+1 for each 10,000 m ³ /d and part thereof of the total volume
volume > 100,000	10
	+1 for each 25,000 m ³ /d and part thereof of the total volume

⁽¹⁾ A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and within which water quality may be considered as being approximately uniform.

⁽²⁾ The volumes are calculated as averages taken over a calendar year.

⁽³⁾ As far as possible, the number of samples should be distributed equally in time and location.

Sampling and analysis for parameters other than radioactive substances in water bottled and labelled as “spring water” and bottled drinking water

PART 1

General

Analysis of samples

1.—(1) The district council must ensure that each sample is analysed in accordance with Annex III to Directive 98/83 and this Schedule.

(2) For each parameter specified in the first column of Table 1 in Part 2 the method of analysis is specified in the second column of that table.

(3) For each parameter specified in the first column of Table 2 in Part 2 the method of analysis is one that is capable of—

- (a) measuring concentrations and values with the trueness and precision specified in the second and third columns of that table; and
- (b) detecting the parameter at the limit of detection specified in the fourth column of that table.

(4) For hydrogen ion, the method of analysis must be capable of measuring a value with a trueness of 0.2pH unit and a precision of 0.2 pH unit.

(5) The method of analysis used for odour and taste parameters must be capable of measuring values equal to the parametric value with a precision of 1 dilution number at 25 °C.

(6) For the purpose of this paragraph—

“limit of detection” is—

- (a) three times the relative within-batch standard deviation of a natural sample containing a low concentration of the parameter; or
- (b) five times the relative within-batch standard deviation of a blank sample;

“precision” (the random error) is twice the standard deviation (within a batch and between batches) of the spread of results about the mean;

“trueness” (the systematic error) is the difference between the mean value of the large number of repeated measurements and the true value.

Authorisation of alternative methods of analysis

2.—(1) The Agency may authorise a method different from that set out in Part 2 if satisfied that it is at least as reliable.

(2) An authorisation may be time-limited and may be revoked at any time.

Sampling and analysis by persons other than district councils

3.—(1) A district council may enter into an arrangement for any person to take and analyse samples on its behalf.

(2) A district council must not enter into an arrangement under paragraph (1) unless—

- (a) it is satisfied that the task will be carried out promptly by a person competent to perform it; and

- (b) it has made arrangements that ensure that any breach of these Regulations is communicated to it immediately, and any other result is communicated to it within 28 days.

PART 2

Methods of analysis and performance characteristics

Table 1

Prescribed methods of analysis

<i>Parameter</i>	<i>Method</i>
<i>Clostridium perfringens</i> (including spores)	Membrane filtration followed by anaerobic incubation of the membrane on m-CP agar ⁽¹⁾ at 44 ± 1°C for 21 ± 3 hours. Count opaque yellow colonies that turn pink or red after exposure to ammonium hydroxide vapours for 20 to 30 seconds.
Coliform bacteria	BS-EN ISO 9308-1
Colony count 22°C – enumeration of culturable microorganisms	BS-EN ISO 6222
Colony count 37°C – enumeration of culturable microorganisms	BS-EN ISO 6222
Enterococci	BS-EN ISO 7899-2
<i>Escherichia coli</i> (<i>E. Coli</i>)	BS-EN ISO 9308-1
<i>Pseudomonas aeruginosa</i>	BS-EN ISO 12780
⁽¹⁾ Use the following method to make m-CP agar:	
Make a basal medium consisting of—	
Tryptose	30.0g
Yeast extract	20.0g
Sucrose	5.0g
L-cysteine hydrochloride	1.0g
MgSO ₄ .7H ₂ O	0.1g
Bromocresol purple	40.0mg
Agar	15.0g
Water	1,000.0ml
Dissolve the ingredients of basal medium, adjust pH to 7.6 and autoclave at 121°C for 15 minutes. Allow the medium to cool.	
Dissolve—	
D-cycloserine	400.0mg
Polymyxine-B sulphate	25.0mg
Indoxl-β-D-glucoside	60.0mg
into 8ml sterile water and add it to the medium.	
Add to the medium—	
Filter-sterilised 0.5% phenolphthalein diphosphate solution	20.0ml
Filter-sterilised 4.5% FeCl ₃ .6H ₂ O	2.0ml

Table 2**Prescribed performance characteristics for methods of analysis**

<i>Parameters</i>	<i>Trueness % of prescribed concentration or value specification</i>	<i>Precision % of prescribed concentration or value or specification</i>	<i>Limit of detection % of prescribed concentration or value or specification</i>
Aluminium	10	10	10
Ammonium	10	10	10
Antimony	25	25	25
Arsenic	10	10	10
Benzene	25	25	25
Benzo(a)pyrene	25	25	25
Boron	10	10	10
Bromate	25	25	25
Cadmium	10	10	10
Chloride	10	10	10
Chromium	10	10	10
Conductivity	10	10	10
Copper	10	10	10
Cyanide ⁽¹⁾	10	10	10
1,2-dichloroethane	25	25	10
Fluoride	10	10	10
Iron	10	10	10
Lead	10	10	10
Manganese	10	10	10
Mercury	20	10	20
Nickel	10	10	10
Nitrate	10	10	10
Nitrite	10	10	10
Oxidisability ⁽²⁾	25	25	10
Pesticides and related products ⁽³⁾	25	25	25
Polycyclic aromatic hydrocarbons ⁽⁴⁾	25	25	25
Selenium	10	10	10
Sodium	10	10	10
Sulphate	10	10	10
Tetrachloroethene ⁽⁵⁾	25	25	10
Tetrachloromethane	20	20	20
Trichloroethene ⁽⁵⁾	25	25	10
Trihalomethanes ⁽⁴⁾	25	25	10

⁽¹⁾ The method of analysis should determine total cyanide in all forms.

⁽²⁾ Oxidation should be carried out for 10 minutes at 100°C under acid conditions using permanganate.

⁽³⁾ The performance characteristics apply to each individual pesticide and will depend on the pesticide concerned.

⁽⁴⁾ The performance characteristics apply to the individual substances specified at 25% of the parametric value in Table B in Part 2, Schedule 7.

⁽⁵⁾ The performance characteristics apply to the individual substance specified at 50% of the parametric value in Table B in Part 2, Schedule 7.

Sampling and analysis for indicative dose in water bottled and labelled as “spring water” and bottled drinking water

PART 1

General

Analysis of samples

1. The district council must ensure that each sample is analysed for indicative dose in accordance with Annex III to Directive 2013/51 and this Part.
2. For each parameter and radionuclide specified in the first column of Table 1 in Part 2, the derived concentration and dose coefficient for calculating the indicative dose is specified in the second column of that table.
3. For each parameter specified in the first column of Table 2 in Part 2, the method of analysis must be one that is capable of detecting the parameter at the limit of detection specified in the second column of that table.
4. If the following formula is satisfied, the indicative dose is considered to be less than the parametric value of 0.1 mSv and no further investigation is required—

$$\sum_{i=1}^n \frac{C_i(obs)}{C_i(der)} \leq 1$$

where

$C_i(obs)$ = observed concentration radionuclide i

$C_i(der)$ = derived concentration of radionuclide i

n = number of radionuclides detected

PART 2

Methods of analysis and performance characteristics

Table 1

Derived concentrations for radioactivity

<i>Origin</i>	<i>Nuclide</i>	<i>Derived concentration</i>
Natural	U-238 ⁽¹⁾	3.0 Bq/l
	U-234 ⁽¹⁾	2.8 Bq/l
	Ra-226	0.5 Bq/l
	Ra-228	0.2 Bq/l
	Pb-210	0.2 Bq/l
	Po-210	0.1 Bq/l
Artificial	C-14	240 Bq/l
	Sr-90	4.9 Bq/l
	Pu-239/Pu-240	0.6 Bq/l
	Am-241	0.7 Bq/l
	Co-60	40 Bq/l

Cs-134	7.2 Bq/l
Cs-137	11 Bq/l
I-131	6.2 Bq/l

⁽¹⁾ This table allows only for the radiological properties of uranium, not for its chemical toxicity.

Table 2

Performance characteristics and methods of analysis

<i>Parameters and radionuclides</i>	<i>Limit of detection^{(1) (2)}</i>
Tritium	10 Bq/l ⁽³⁾
Radon	10 Bq/l ⁽³⁾
gross alpha activity	0.04 Bq/l ⁽⁴⁾
gross beta activity	0.4 Bq/l ⁽⁴⁾
U-238	0.02 Bq/l
U-234	0.02 Bq/l
Ra-226	0.04 Bq/l
Ra-228	0.02 Bq/l ⁽⁵⁾
Pb-210	0.02 Bq/l
Po-210	0.01 Bq/l
C-14	20 Bq/l
Sr-90	0.4 Bq/l
Pu-239/Pu-240	0.04 Bq/l
Am-241	0.06 Bq/l
Co-60	0.5 Bq/l
Cs-134	0.5 Bq/l
Cs-137	0.5 Bq/l
I-131	0.5 Bq/l

⁽¹⁾ The limit of detection is calculated according to the ISO standard 11929: Determination of the characteristic limits (decision threshold, detection limit and limits of the confidence interval) for measurements of ionising radiation – Fundamentals and application, with probabilities of errors of 1st and 2nd kind of 0.05 each.

⁽²⁾ Measurement uncertainties are calculated and reported as complete standard uncertainties, or as expanded standard uncertainties with an expansion factor of 1.96, according to the ISO Guide for the Expression of Uncertainty in Measurement.

⁽³⁾ The limit of detection for tritium and for radon is 10% of its parametric value of 100 Bq/l.

⁽⁴⁾ The limit of detection for gross alpha activity and gross beta activities are 40% of the screening values of 0.1 and 1.0 Bq/l respectively.

⁽⁵⁾ This limit of detection applies only to initial screening for indicative dose for a new water source. If initial checking indicates that it is not plausible that Ra-228 exceeds 20% of the derived concentration, the limit of detection may be increased to 0.08 Bq/l for routine Ra-228 nuclide specific measurements, until a subsequent re-check is required.

SCHEDULE 12

Regulations 33 and 34

Application and modification of provisions of the Order

Part 1

Modification of Article 9(1)

1. For Article 9(1) (improvement notices), substitute—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any provision specified in paragraph (1A), the authorised officer may, by a notice served on that person (in this Order referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

(1A) The provisions referred to in paragraph (1) are—

- (a) any of regulations 8 to 22 of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015; and
- (b) any of the following provisions of 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—
 - (i) Article 1.2 (requirement that any fluoride removal treatment be performed in accordance with the technical requirements set out in the Annex);
 - (ii) the first sentence of Article 2 (requirement that the release of residues into natural mineral water or spring water as a result of any fluoride removal treatment be as low as technically feasible according to the best practices and not pose a risk to public health);
 - (iii) the second sentence of Article 2 (requirement to ensure compliance with the first sentence of Article 2, operators implement and monitor the critical processing steps set out in the Annex);
 - (iv) Article 3.1 (requirement that the application of fluoride removal treatment be notified to the competent authorities at least three months prior to use); and
 - (v) Article 4 (requirement that the label on natural mineral water or spring water subjected to any fluoride removal treatment include specified information in proximity to the statement of the analytical composition).”

PART 2

Modification of Article 33(1)

1. In Article 33(1) for subparagraphs (a) to (c) (powers of entry) substitute—

- “(a) to enter any premises within the council’s district for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of 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 specified in Article 9(1A)(b) as applied and modified by regulation 33 and Part 2 of Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015; and
- (b) to enter any business premises, whether within or outside of the council’s district, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

PART 3

Modification of Article 37 and 38

1. For Article 37(1) of the Order (appeals), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by Regulation 33(1) and Part 1 of Schedule 12 of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 may appeal to a court of summary jurisdiction”.

2. In Article 37(2A)(b) for “(1)(a)” substitute “(1) as applied and modified by regulation 34(2) of and Part 3, of Schedule 12 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2015.

3. In both Article 38(1) and (2) of the Order after “improvement notice” insert “under Article 9(1) as applied and modified by regulation 33(1) and Part 1 of Schedule 12 of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.

Part 4

Application and modification of other provisions of the Order

<i>Provision of the Order</i>	<i>Modifications</i>
Article 2(4) (extended meaning of “sale” etc.)	For “this Order” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.
Article 3 (application to food offered as prizes etc.)	For “This Order” substitute “The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.
Article 4 (presumptions that food intended for human consumption)	In paragraph (1), for “this Order” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.
Article 19 (offences due to fault of another person)	For “any of the preceding provisions of this part” substitute “Article 9(2) as applied by regulation 33(1) of, and Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015,”.
Article 20 (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2) as applied by regulation 33(1) of Part 1, Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015,”. Omit paragraphs (2)-(4)
Article 29 (procurement of samples)	In paragraph (b)(ii), after “under Article 33 below”, insert “as applied by regulation 34(1) of Part 2, Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.
Article 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.
Article 34 (obstruction etc. of officers)	In paragraph (1), for “this Order” (in each place

Article 36(1) and (2) (punishment of offences)

where it occurs) substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”.

In paragraph (1), after “Article 34(1)” insert “, as applied and modified by regulation 34(3) of Part 4, Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”

After subparagraph (1), insert—

“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 33(1) of Part 1, Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.

In paragraph (2) for “any other offence under this Order” substitute “an offence under Article 34, as applied by regulation 34(3) of Part 2, Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015,”.

SCHEDULE 13

Regulation 37

Consequential Amendments

The Private Water Supplies Regulations (Northern Ireland) 2009

1. In regulation 4(a) of the Private Water Supplies Regulations (Northern Ireland) 2009(a) (exemptions), for “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015”

The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013

2. In Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013(b) omit the references to “The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007”.

The Food Information Regulations (Northern Ireland) 2014

3. In Schedule 7 to the Food Information Regulations (Northern Ireland) 2014 omit paragraph 16 of Part 2

(a) S.R. 2009 No. 413

(b) S.R. 2013 No. 66, amended by S.R. 2013 No. 229

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement and enforce the following European instruments—

- (a) Council Directive 98/83/EC relating to the quality of water intended for human consumption (OJ No L 330, 3.11.98, p32), so far as it applies to water intended to be labelled and sold as “spring water” and bottled drinking water;
- (b) Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (Recast) (OJ No L 164, 26.6.09, p45);
- (c) Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and water bottled and labelled as “spring water” (OJ No L 126, 22.5.03, p34);
- (d) 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 water bottled and labelled “spring water”;
- (e) In relation to water bottled and labelled as “spring water” and bottled drinking water, Council Directive 2013/51/Euratom laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.13, p12).

The Regulations—

- (a) provide for exemptions from the Regulations in relation to specified types of water and for ice for cooling food (regulation 3);
- (b) prescribe the conditions for recognition of natural mineral water, the procedures for withdrawal of such recognition and provide for review of decisions not to grant or to withdraw recognition where that is requested by the person affected by the decision (regulations 4, 5, 6 and 7);
- (c) set out the conditions which must be satisfied for springs to be exploited with a view to marketing water from them as natural mineral water and prohibit exploitation of polluted springs until the cause of the pollution is eradicated (regulation 8);
- (d) prohibit subjection of natural mineral water to treatments and additions other than specified ones, subject to an exception in the case of such water when used in the manufacture of soft drinks (regulation 9);
- (e) prohibit bottling of natural mineral water where specified requirements relating to exploitation of the spring and bottling of the water are not complied with; prohibit bottling in containers not satisfying specified requirements and prohibit bottling of natural mineral water containing specified substances above specified limits and prescribe the methods to be used for detection of such substances (regulation 10);
- (f) restrict the labelling that may be applied to bottled natural mineral water (including effervescent natural mineral water), require such water to be labelled with specified information and in two respects regulate advertising of such water in addition to its labelling (regulations 11 and 12);
- (g) prohibit sale of water in a bottle whose marking or labelling uses the name “natural mineral water” unless it is such water; impose other prohibitions in relation to the sale of bottled natural mineral water; and prohibit the sale of natural mineral water from a single spring under more than one trade description (regulation 13);
- (h) prohibit bottling of water in a bottle labelled “spring water” unless the water satisfies specified requirements, prohibit such bottling where the water has been treated with ozone enriched air unless the treatment is an authorised one and prohibit exploitation of polluted springs until the cause of the pollution is eradicated (regulation 14);
- (i) prohibit subjection of water bottled and labelled “spring water” to treatments and additions other than specified ones. (Regulation 15);

- (j) impose restrictions on bottling and labelling water as “spring water” , require such water to be labelled with specified information and in one respect regulate advertising of such water in addition to its labelling (regulations 16 and 17);
- (k) prohibit sale of water bottled in a bottle labelled “spring water” if the water does not comply with the requirements as regards bottling and as regards labelling and advertisement in regulations 16 and 17 respectively, and prohibit sale of such water from one spring under more than one trade description (regulation 18);
- (l) prohibit bottling of drinking water unless it satisfies the requirements of Schedule 7 (regulation 19);
- (m) impose restrictions on the labelling and advertising of bottled drinking water (regulation 20 and 21);
- (n) prohibit sale of bottled drinking water not bottled in accordance with regulation 19 or not labelled in accordance with regulation 20 (regulation 22);
- (o) prescribes the requirements for monitoring natural mineral water, water bottled and labelled as “spring water” and bottled drinking water for the purpose of ensuring that the requirements of these Regulations are satisfied (regulations 23 to 31). Regulation 27 prescribes the remedial action that must be taken by a district council in relation to water bottled and labelled as “spring water” and bottled drinking water in the event on non-compliance with the parametric values for the parameters set out in Schedule 7;
- (p) imposes an obligation on district councils to execute and enforce the Regulations (regulation 32);
- (q) applies certain provisions of the Food Safety (Northern Ireland) Order 1991 (1991 N.I.7) with modifications. This includes the application (with modifications) of Article 9(1), enabling an improvement notice to be served requiring compliance with specified provisions of the Regulations. The provisions, as applied, make the failure to comply with an improvement notice an offence (regulations 33, 34 and Schedule 12);
- (r) provides for transitional provisions (regulation 35);
- (s) revoke the Natural Mineral Water Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007 No.420), the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2009 (S.R.2009 No.260), the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2010 (S.R.2010 No.68), the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (No. 2) Regulations (Northern Ireland) 2010 (S.R.2010 No.127) and the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011 No.53) (regulation 36); and
- (t) makes consequential amendments to other legislation (regulation 37 and Schedule 13).

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