

2011 No. 451

FOOD, ENGLAND

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

<i>Made</i>	- - - -	<i>16th February 2011</i>
<i>Laid before Parliament</i>		<i>23rd February 2011</i>
<i>Coming into force</i>	- -	<i>6th April 2011</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and 48(1) of the Food Safety Act 1990(a) and now vested in the Secretary of State(b).

In accordance with section 48(4A) of that Act, the Secretary of State has taken into account relevant advice given by the Food Standards Agency.

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) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011 and come into force on 6th April 2011.

**Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water
(England) Regulations 2007**

2.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(d) are amended as follows.

(2) In regulation 2(1) omit the definition of “the Agency”.

(a) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), (“the 1999 Act”). Section 48 was also amended by S.I. 2004/2990.

(b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act..

(c) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 (OJ No. L 188, 18.7.2009, p.14).

(d) S.I. 2007/2785, amended by S.I. 2009/1598 and S.I. 2010/433. S.I. 2010/433 was itself amended by S.I. 2010/896.

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

(4) After regulation 3 insert—

“Additional language

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

(5) Substitute “the Secretary of State” for “the Agency” in —

- (a) regulation 4 each time it appears;
- (b) paragraph 9 of Schedule 1;
- (c) paragraph 10 of Schedule 1 both times it appears;
- (d) paragraph 7 of Schedule 1A(c);
- (e) paragraph 8 of Schedule 1A each time it appears; and
- (f) paragraph 1 of Part 2 of Schedule 3.

(6) Substitute “The Secretary of State” for “The Agency” in paragraphs 4 and 6 of Part 2 of Schedule 3.

Transitional and saving provisions

3. The amendments made to the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 by these Regulations do not affect the validity of anything duly done by the Food Standards Agency, or the validity of any notification duly given to the Food Standards Agency, under those 2007 Regulations.

4. Any application made to the Food Standards Agency under the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 that is pending immediately before 6th April 2011 is to be treated as if the application had been made to the Secretary of State.

16th February 2011

Jim Paice
Minister of State for Agriculture and Food
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 (S.I. 2007/2785) by:

- (a) amending specified provisions of the 2007 Regulations to replace references to the Food Standards Agency with references to the Secretary of State to reflect the transfer of the relevant functions to the Secretary of State (regulation 2(2), (5) and (6));
- (b) updating the reference to the Veterinary Medicines Regulations in regulation 3(1)(a) of the 2007 Regulations (regulation 2(3)); and

(a) S.I. 2005/2745: those Regulations were revoked by S.I. 2006/2407.
(b) S.I. 2009/2297.
(c) Schedule 1A was inserted in S.I. 2007/2785 by S.I. 2010/433.

- (c) providing that bottles may be marked or labelled with any other language in addition to English (regulation 2(4)).

They also include transitional and saving provisions consequent upon the transfer of relevant functions to the Secretary of State (regulations 3 and 4).

A full impact assessment has not been produced for this instrument as no impact on the public or voluntary sectors is foreseen.

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