# 1994 No. 185

# FOOD

## The Drinking Water in Containers Regulations (Northern Ireland) 1994

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| *Made* . . . . . | *12th May 1994* |
| *Coming into operation* . . | *20th June 1994* |

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(1), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the Drinking Water in Containers Regulations (Northern Ireland) 1994 and shall come into operation on 20th June 1994.

(2) In these Regulations—

"bottle" means a closed container of any kind in which water is sold for human consumption;

"drinking water" means water intended for sale for human consumption in any bottle;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"parameter" means a property, element, organism or substance listed in the second column of the Tables in Part II of the Schedule;

"pesticides and related products" means any fungicide, herbicide or insecticide and polychlorinated biphenyls and terphenyls;

"prescribed concentration or value", in relation to any parameter, means the maximum concentration or value specified in relation to that parameter in the Tables in Part II of the Schedule as measured by reference to the unit of measurement so specified;

"sell" includes possess for sale, or offer or expose or advertise for sale.

(**a**) 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned".

*Exemptions*

**2.** These Regulations shall not apply to any drinking water which—

(*a*) is recognised as a natural mineral water under the Natural Mineral Waters Regulations (Northern Ireland) 1985(**a**); or

(*b*) is a medicinal product within the meaning of the Medicines Act 1968(**b**) in respect of which a product licence within the meaning of that Act is for the time being in force.

*Bottling or sale of drinking water*

**3.**—(1) No person shall bottle or sell any drinking water unless it satisfies the requirements of the Schedule.

(2) The concentrations or values of the parameters listed in the Tables in Part II of the Schedule shall be read in conjunction with the notes thereto.

(3) The methods of analysis to be used for the purposes of these Regulations shall accord with the requirements of Article 12(5) of Council Directive 80/778/EEC relating to the quality of water intended for human consumption(**c**).

(4) If any person contravenes paragraph (1) he shall be guilty of an offence.

*Defence in relation to exports*

**4.** In any proceedings for an offence under regulation 3 it shall be a defence for the person charged to prove that the drinking water in respect of which the offence is alleged to have been committed was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence.

*Penalties*

**5.** A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £2,000.

*Enforcement*

**6.** Each district council shall enforce and execute these Regulations within its district.

*Application of various provisions of the Food Safety (Northern Ireland) Order 1991*

**7.**—(1) The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Article 7, 13 or 14 of the Order and any reference in them to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations—

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(**a**) S.R. 1985 No. 120; to which there are amendments not relevant to these Regulations

(**b**) 1968 c. 67; section 130 which contains the definition of "medicinal product" was amended by the Animal Health and Welfare Act 1984 (c. 40), sections 13(2), 16, Schedule 1, paragraph 3(7) to (10), and Schedule 2

(**c**) O.J. No. L229, 30.8.80, p. 11

(*a*) Article 2(4) and 3 (extended meaning of "sale", etc.);

(*b*) Article 4 (presumptions that food intended for human consumption);

(*c*) Article 19 (offences due to fault of another person);

(*d*) Article 20 (defence of due diligence);

(*e*) Article 30(8) (which relates to documentary evidence);

(*f*) Article 34 (obstruction etc of officers).

(2) Article 7(2) (which makes presumptions in the case of batches, etc of food) of the Order shall apply to drinking water which it is an offence to bottle or sell as it applies to food which fails to comply with food safety requirements.

(3) Article 8 (inspection and seizure of suspect food) of the Order shall apply to drinking water, which it is an offence to bottle or sell as it applies to food which fails to comply with food safety requirements.

Sealed with the Official Seal of the Department of Health and Social Services on 12th May 1994.

(L.S.) *D. A. Baker*
Assistant Secretary

THE SCHEDULE Regulation 3(1)

**Requirements of drinking water including prescribed concentrations or values of parameters**

PART I: REQUIREMENTS OF DRINKING WATER

Drinking water satisfies the requirements of this Schedule where—

1. The drinking water does not contain any property, element, organism or substance:

(*a*) (other than a parameter) at a concentration or value which would be injurious to health;

(*b*) (whether or not a parameter) at a concentration or value which in conjunction with any other property, element, organism or substance it contains (whether or not a parameter) would be injurious to health;

2. The drinking water does not contain—

(*a*) concentrations or values of any of the parameters listed in Tables A to D in Part II in excess of the prescribed concentrations or values;

(*b*) concentrations of trihalomethanes (being the aggregate of the concentrations of trichloromethane, dichlorobromomethane, dibromochloromethane and tribromomethane) in excess of 100 μg/l;

3. In the case of drinking water prepared from water which has been softened or desalinated, its hardness is not below a minimum concentration of 60 mg Ca/l and its alkalinity is not below a minimum concentration of 30 mg $HCO_3$/l.