STATUTORY RULES OF NORTHERN IRELAND

2020 No. 80

FOOD

The Food Information (Amendment No. 2) Regulations (Northern Ireland) 2020

Made - - - -	*5th May 2020*
Coming into operation	*1st October 2021*

The Department of Health(**1**) makes these Regulations in exercise of the powers conferred by Articles 15, 25(3) and 47 of the Food Safety (Northern Ireland) Order 1991(**2**), and in relation to regulation 3(3), (5) and (8), by paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**).

The Department of Health, has been designated(**4**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

The following Regulations make provision for a purpose mentioned in section 2(2) and it appears to the Department of Health that it is expedient for references to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(**5**) mentioned in regulation 2(3) and (5) of these Regulations to be construed as a reference to that Regulation as amended from time to time.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No 178/2002(**6**) 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (NI) section1(5)
(**2**) 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
(**3**) 1972 c.68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020) (c. 1). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388
(**4**) S.I. 2005/2766. It is prospectively revoked by S.I. 2018/1011 on IP completion day
(**5**) OJ No L 304, 22.11.2011, p. 18, last amended by Regulation (EU) 2015/2283 (OJ No 327, 11.12.2015, p.1)
(**6**) OJ No. L 31, 1.2.2002, p.1 as last amended by Regulation (EU) No.2017/228 (OJ No. L 35, 10.2.2017, p. 10)

Citation and commencement

1. These Regulations may be cited as the Food Information (Amendment No. 2) Regulations (Northern Ireland) 2020 and come into operation on 1st October 2021.

Amendment of the Food Information Regulations (Northern Ireland) 2014

2.—(1) The Food Information Regulations (Northern Ireland) 2014(**7**) are amended as follows.

(2) In regulation 5 (Foods that are not prepacked etc. containing an allergenic substance or product etc.)—

(a) in paragraph 2(a), after "prepacked," insert "or";

(b) in paragraph 2(b), for ", or" substitute ".";

(c) omit paragraph (2)(c).

(3) After regulation 5, insert—

"**Foods that are prepacked for direct sale — duty to list ingredients**

5A.—(1) A food business operator who offers for sale a food to which this regulation applies must provide directly on the package or on a label attached to the package the particulars required by the following—

(a) Article 9(1)(b) (List of ingredients) as read with—

(i) Article 13(1) to (3), as read with any delegated acts made under Article 13(4),

(ii) Article 15,

(iii) Article 16(2), so far as it relates to the particulars required by Article 9(1)(b),

(iv) Article 17, as read with Parts A and C of Annex VI and, in the case of an ingredient using a minced meat designation as a name, the following points of Part B of Annex VI—

(aa) point 1, and

(bb) point 3, as read with regulation 4 and Schedule 2,

(v) Article 18 as read with Annex VII and paragraph (1)(a)(iv) of this regulation,

(vi) Article 19(1), as read with any delegated acts made under Article 19(2), and

(vii) Article 20;

(b) Article 9(1)(c) (Labelling of certain substances or products causing allergies or intolerances) as read with Article 21(1) and Annex II.

(2) This regulation applies to a food that—

(a) is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication; and

(b) is prepacked for direct sale.".

(4) In regulation 6 (Foods that are not prepacked etc. - general requirement to name them)—

(a) in paragraph 2(a), after "prepacked," insert "or";

(b) in paragraph 2(b), for ", or" substitute ".";

(c) omit paragraph (2)(c).

(5) After regulation 6, insert—

(**7**) S.R. 2014 No. 223, to which there are amendments not relevant to these Regulations. It is prospectively amended by S.R.2019/353 on IP completion day