STATUTORY RULES OF NORTHERN IRELAND

2020 No. 24

FOOD

The Food Information (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*4th March 2020*
Coming into operation	*1st April 2020*

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(e), 16(1) and (2), 25(3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**3**).

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 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 and to Commission Implementing Regulation (EU) No 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food(**4**) to be construed as references to those Regulations as amended from time to time.

In accordance with section 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 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(**5**) 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 (N.I.) section 1(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 No. 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 The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A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 (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**) OJ No L 131, 29.05.18, p.8

(**5**) O.J. No. L 31, 1.2.2002, p.1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (O.J. No. L 198, 25.07.2019, p.241)

Citation and commencement

1. These Regulations may be cited as the Food Information (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 1st April 2020.

Amendment of the Food Information Regulations (Northern Ireland) 2014

2.—(1) The Food Information Regulations (Northern Ireland) 2014(**6**) are amended as follows.

(2) After regulation 1(5) insert—

"(5A) For the purposes of the following provisions, these Regulations come into operation on 1st April 2020—

(a) Part 5 of Schedule 5; and

(b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Order) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 5 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.".

(3) In Schedule 5 (Improvement notices – specified provisions), after Part 4, insert—

"Part 5

FIC Provision in relation to which improvement notices may be served on and from 1 April 2020

Provision of FIC	*Provisions to be read with the provision of FIC*
Article 26(3) (requirement for a mandatory indication relating to the country of origin or place of provenance of the primary ingredient in certain cases)	Articles 1(3) and 6 of FIC and Articles (2) (3) and (4) of Commission Implementing Regulation (EU) No 2018/775(**7**) as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food."

(**6**) S.R. 2014 No. 223 to which there are amendments not relevant to these regulations. It is prospectively amended by S.R. 2019 No. 353 from exit day

(**7**) Commission Implementing Regulation (EU) No 2018/775 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food