STATUTORY RULES OF NORTHERN IRELAND

2017 No. 233

FOOD

The Novel Foods Regulations (Northern Ireland) 2017

Made - - - -	*6th December 2017*
Coming into operation	*1st January 2018*

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a), (e) and (f), 16(2), 17(1)(a), 25(1)(a) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**).

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

Citation and commencement

1. These Regulations may be cited as the Novel Foods Regulations (Northern Ireland) 2017 and come into operation on 1st January 2018.

Interpretation

2.—(1) In these Regulations—

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

"Regulation (EU) 2015/2283" means Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001(**4**); and

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1

(**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**) OJ No. L 31, 1.2.2002, p.1 as last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council of 15th May 2014 (OJ No. L 189, 27.6.2014, p.1)

(**4**) OJ No. L 327, 11.12.2015, p.1

"specified EU provision" means a provision of Regulation (EU) 2015/2283 specified in column 1 and described in column 2 of the table in Schedule 1.

(2) An expression used both in these Regulations and Regulation (EU) 2015/2283 has the meaning that it bears in Regulation (EU) 2015/2283 and any reference to a numbered article is a reference to the article so numbered in Regulation (EU) 2015/2283.

Enforcement

3. It is the duty of each district council within its district to enforce Regulation (EU) 2015/2283 and these Regulations.

Offence and penalty

4. A person who fails to comply with Article 6(2) (Union list of authorised novel foods) as read with Articles 24 and 35(2) of Regulation (EU) 2015/2283 is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application and modification of provisions of the Order

5.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply for the purposes of these Regulations with the modification (in the case of Article 9(1)) set out in Schedule 2, Part 1 for the purposes of—

(a) enabling an improvement notice to be served on a person requiring the person to comply with a specified EU provision; and

(b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Article 8 of the Order (inspection and seizure of suspected food) applies for the purposes of these Regulations with the modifications set out in Part 2 of Schedule 2 for the purposes of enabling an authorised officer of a district council, if it appears to that officer that Article 6(2) of Regulation (EU) 2015/2283 is being, or has been, contravened in relation to any food which has been placed on the market, to either—

(a) give notice to the person in charge of the food that it is not to be used for human consumption, and is not to be removed or is not to be removed except to some place specified in the notice, or

(b) seize the food and remove it in order to have it dealt with by a justice of the peace.

(3) The provisions of the Order specified in column 1 of the table in Part 3 of Schedule 2 apply, with the modifications (if any) specified in column 2 of that table for the purpose 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 paragraphs (1) and (2).

Revocations

6. The following regulations are revoked—

(a) The Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004(**5**); and

(b) The Food Enzymes Regulations (Northern Ireland) 2009(**6**).

(**5**) S.R. 2004 No.33
(**6**) S.R. 2009 No.415

Sealed with the official seal of the Department of Health on 6th December 2017.



Richard Pengelly
A senior officer of the Department of Health

SCHEDULE 1 Regulation 2(1)

Specified EU Provisions

1. Specified EU Provision	*2. Subject matter*
Article 4(1)	Requirement that food business operators verify whether food they intend to place on the market is within scope of Regulation (EU) 2015/2283.
Article 6(2) as read with Articles 24 and 35(2)	Requirement that only novel foods authorised and included in the Union list may be placed on the market or used in or on food and in accordance with the conditions of use and the labelling requirements specified therein, and with any post-market monitoring requirements.
Article 25	Requirement that a food business operator who has placed a novel food on the market must immediately inform the Commission of any information of which it becomes aware concerning— (a) any new scientific or technical information which might influence the evaluation of the safety of use of the novel food; or (b) any prohibition or restriction imposed by a third country in which the novel food is placed on the market.

SCHEDULE 2 Regulation 5

Application and modification of provisions of the Order

PART 1

Modification of Article 9(1)

1. For Article 9(1) of the Order (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 Schedule 1 to the Novel Foods Regulations (Northern Ireland) 2017, 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