STATUTORY RULES OF NORTHERN IRELAND

2016 No. 249

FOOD

The Food Information (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*27th June 2016*
Coming into operation	*20th July 2016*

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(2) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) 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 provisions of Regulation (EU) No 1169/2011(**4**) of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC, and 2008/5/EC and Commission Regulation (EC) No 608/2004 or, to provisions of Commission Implementing Regulation (EU) No. 828/2014(**5**) on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food, specified in Regulation 2(2)(b), to be construed as references to those provisions as amended from time to time.

Insofar as these Regulations are made in exercise of powers under the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency in accordance with Article 47(3A) of that Order.

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> (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**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c.7)
(**4**) OJ No L 304, 22.11.2011, p18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L27, 30.1.2014, p 7)
(**5**) OJ No L 228, 31.7.2014, p 5
(**6**) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14)

Citation and commencement

1. These Regulations may be cited as the Food Information (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 20th July 2016

Amendment of the Food Information Regulations (Northern Ireland) 2014

2.—(1) The Food Information Regulations (Northern Ireland) 2014(**7**) are amended in accordance with paragraphs (2)-(5).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) at the end of the definition of "prepacked for direct sale" omit "and";

(ii) at the end of the definition of "ready for consumption" for "Article 2(2)(d)." substitute "Article 2(2)(d); and"

(iii) after the definition of "ready for consumption" insert—

""Regulation 828/2014" means Commission Implementing Regulation (EU) No. 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food."

(b) for paragraph (3) substitute—

"Any reference to FIC, or to Regulation 828/2014, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies) or Regulation 828/2014, in a provision of these Regulations listed in Schedule 1 is a reference to that provision as amended from time to time."

(3) For regulation 10 (Offence) substitute—

"**Offences**

10.—(1) A person is guilty of an offence if the person fails to comply with—

(a) any provision of FIC specified in paragraph (2), as read with Articles 1(3) and 6 and the first subparagraph of Article 54(1);

(b) any provision of Regulation 828/2014 specified in paragraph (3); or

(c) regulation 5(5).

(2) The provisions of FIC are—

(a) Article 9(1)(c), as also read with Annex II;

(b) Article 21(1)(a), as also read with Articles 9(1)(c) and 18(1) and Annex II;

(c) the second subparagraph of Article 21(1), as also read with Articles 9(1)(c) and 19(1) and Annex II; and

(d) Article 44(1)(a), as also read with Article 9(1)(c) and regulation 5.

(3) The provisions of Regulation 828/2014 are—

(a) Article 3(1) as read with Article 1(3), 6, 7, 36 (1) and (2) of FIC and Article 2, 3(2) and (3) and the Annex; and

(b) Article 4 as read with Article 2."

(4) In regulation 12 (application of provisions of the Order)—

(7) S.R. 2014 No.223

(a) for paragraph (1)(a)(i) substitute—

"a provision of FIC or Regulation 828/2014 specified in Schedule 5, to the extent provided for in Article 9 of the Order as applied by paragraph (1) and modified by Schedule 4 Part 1;"

(b) in paragraph (2)(a) after "provision of FIC" insert "or Regulation 828/2014."

(5) In Schedule 1—

(a) in the heading after "FIC" insert "or Regulation 828/2014"; and

(b) in the first line after "except for the definition of "FIC"" insert "and "Regulation 828/2014"".

(6) In Schedule 4 (application and modification of provisions of the Order)—

(a) for Part 1, paragraph 1 substitute—

"**1.** For Article 9(1) (improvement notices), substitute—

"(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with a provision specified in subparagraph (1A), 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

(d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

(1A) The provisions are—

(a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provisions apply to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;

(b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;

(c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations);

(d) any of the following provisions of the Food Information Regulations (Northern Ireland) 2014—

(i) regulation 5(3), (4) or (5);