STATUTORY RULES OF NORTHERN IRELAND

2014 No. 285

FOOD

The Products Containing Meat etc. Regulations (Northern Ireland) 2014

Made - - - -	*18th November 2014*
Coming into operation	*13th December 2014*

The Department of Health, Social Services and Public Safety [F1] makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a), (e) and (f), 25(1)(a), (2)(e) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2].

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

As required by Article 9 of Regulation (EC) No. 178/2002[F3] 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.

F1 Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

F2 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

F3 OJ No L 31, 1.2.2002, p1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p1)

Citation and commencement

1. These Regulations may be cited as the Products Containing Meat etc. Regulations (Northern Ireland) 2014 and come into operation on 13th December 2014.

Interpretation

2. In these Regulations—

"EEA State" means a Member State (other than the United Kingdom), Norway, Iceland and Liechtenstein;

"FIC" means Regulation (EU) No 1169/2011 [F4] 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**[**F5as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council**]** ;

"ingredient" has the meaning given in Article 2(2)(f) of FIC;

"meat" means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin F6;

"regulated product" means a food that contains one of the following as an ingredient (whether or not the food also contains any other ingredient)—

(a) meat;

(b) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council **[**F7as last amended by Commission Regulation (EU) 2017/1981**]** ;

(c) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail of any mammalian or bird species recognised as fit for human consumption;

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

"sell" includes offer or expose for sale and includes have in possession for sale; and

"uncooked", in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

F4 OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7)

F5 Words in reg. 2 inserted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **30(2)(a)**

F6 OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 14.6.2014, p 6)

F7 Words in reg. 2 inserted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **30(2)(b)**

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

(a) that is not intended for sale for human consumption; or

(b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations (Northern Ireland) 2003 F8 apply.

(3) These Regulations do not apply to any product that is brought into Northern Ireland from another part of the United Kingdom, an EEA State or from the Republic of Turkey in which it was lawfully marketed.

(4) In this regulation—

"final consumer" has the meaning given in point 18 of Article 3 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; and

"mass caterer" has the meaning given in Article 2(2)(d) of FIC.

F8 S.R. 2003 No.530

Restrictions on the use of certain names

4.—(1) A person must not sell or advertise a regulated product using a name that appears in column 1 of the table of Schedule 1 as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of that table.

(2) A person must not sell or advertise a food using a name that appears in column 1 of the table in Schedule 1, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product is an ingredient of the food and that product complied with the appropriate requirements in columns 2 and 3 of the table in Schedule 1 at the time it was used as an ingredient in the preparation of the food.

Parts of the carcase in uncooked regulated products

5.—(1) Subject to paragraph (3), a person must not sell an uncooked regulated product if any part of a carcase specified in paragraph (2) has been used as an ingredient in the preparation of that product.

(2) The specified parts of a carcase are the brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder from any mammalian species.

(3) The prohibition in paragraph (1) does not extend to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation "sausage" includes chipolata, frankfurter, link, salami and any similar product.

Enforcement

6. It is the duty of each district council within its district to enforce these Regulations.

Improvement notice – application of Article 9 of the Order

7.—(1) Article 9(1) and (2) of the Order (improvement notices) apply for the purposes of these Regulations with the following modification.

(2) For paragraph (1), substitute—

"(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with regulations 4(1), (2) or 5(1) of the Products Containing Meat etc. Regulations (Northern Ireland) 2014, 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 a period (not being less than 14 days) as may be specified in the notice.".

Appeals against an improvement notice

8.—(1) Article 37 of the Order (appeals) applies for the purposes of these Regulations as modified by paragraphs (2) and (3).

(2) For paragraph (1) substitute " Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 7 of the Products Containing Meat etc. Regulations (Northern Ireland) 2014 may appeal to a court of summary jurisdiction. ".

(3) In paragraph (2A)(b) for "(1)(a)", substitute " (1) as applied by regulation 7 of the Products Containing Meat etc. Regulations (Northern Ireland) 2014, ".

(4) Article 38 of the Order (appeals against improvement notices) applies for the purposes of these Regulations with the modification that " as applied by regulation 8(1) of the Products Containing Meat etc. Regulations (Northern Ireland) 2014 " is inserted after " improvement notice " in each place occurring.

Application and modification of other provisions of the Order

9. The provisions of the Order specified in column 1 of the table in Schedule 2 apply for the purposes of these Regulations with modifications specified in column 2 of that table.

Revocations

10. The following Regulations are revoked—

(a) the Meat Products Regulations (Northern Ireland) 2004 [F9];

(b) the Meat Products (Amendment) Regulations (Northern Ireland) 2008 [F10]; and

(c) regulation 18(4) of the Food Additives Regulations (Northern Ireland) 2009 [F11].

F9 S.R. 2004 No. 13, as amended by S.R. 2008 No.82
F10 S.R. 2008 No. 82
F11 S.R. 2009 No. 416

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 18th November 2014.

L.S.

Julie Thompson
A senior officer of the
Department of Health, Social Services and
Public Safety

SCHEDULE 1

Regulation 4

Reserved Descriptions

In this Schedule—

"cured meat" means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

"curing salt" means—

(a) sodium chloride, if used in sufficient quantity to have a significant preserving effect on the food;

(b) potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food;

(c) a combination of any of sodium chloride, potassium chloride, sodium nitrate, potassium nitrate and sodium nitrite as authorised for use in Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives F12[F13as last amended by Commission Regulation (EU) 2018/1497] , except for a combination of sodium chloride and potassium chloride; or

(d) a combination of sodium chloride and potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food.

Column 1	***Column 2***			***Column 3***
Name of food	***Meat or cured meat content requirements*** ***The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:***			***Additional requirements***
	Meat or, as the case may be, cured meat from pigs only	***Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only***	***Meat or, as the case may be, cured meat from other species or other mixtures of meat***	
1. **Burger** - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this table	67%	55%	62%	1. Where the name "burger" is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food