STATUTORY RULES OF NORTHERN IRELAND

2009 No. 415

FOOD

The Food Enzymes Regulations (Northern Ireland) 2009

Made - - - -	*11th December 2009*
Coming into operation	*20th January 2010*

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

In accordance with Article 47(3A) of that Order, it 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 Food Enzymes Regulations (Northern Ireland) 2009 and come into operation on 20th January 2010.

Interpretation

2.—(1) In these Regulations —

"the EC Regulation" means Regulation (EC) No.1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No.1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97(**4**);

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

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

(**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. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188,18.7.2009 p.14)

(**4**) OJ No. L354, 31.12.2008, p.7

(2) Any other expression used in these Regulations and in the EC Regulation has the same meaning in these Regulations as it bears in the EC Regulation.

(3) Any reference to a numbered Article is a reference to the Article so numbered in the EC Regulation.

Offences, penalties and savings

3.—(1) A person who contravenes or fails to comply with any of the provisions of the EC Regulation specified in paragraph (2) as read with the transitional arrangements contained in Article 18 and Article 24 is guilty of an offence.

(2) The provisions mentioned in paragraph (1) are —

(a) Article 4 (restriction on placing on the market and use of food enzymes not on the list provided for in Article 17);

(b) Article 5 (prohibition on placing on the market of non-compliant food enzymes or foods containing such enzymes);

(c) Article 10(1) (requirements for labelling of food enzymes and preparations not intended for sale to the final consumer);

(d) Article 12(1) (requirements for labelling of food enzymes and preparations intended for sale to the final consumer);

(e) Article 14(1) and (2) (requirement to provide specified information to the Commission).

(3) Anyone convicted of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Enforcement and competent authorities

4. It shall be the duty of each district council within its district to execute and enforce these Regulations and the EC Regulation.

Application of various Articles of the Food Safety (Northern Ireland) Order 1991

5.—(1) The following provisions of the Order shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Order or Part thereof is to be construed as a reference to these Regulations —

(a) Article 19 (offences due to fault of another person);

(b) Article 20 (defence of due diligence),with the modification that —

(i) paragraphs (2) to (4) shall apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under Article 13 or 14, and

(ii) in paragraph (4) the references to "sale" are deemed to include references to "placing on the market";

(c) Article 30(8) (which relates to documentary evidence);

(d) Article 36(1) (punishment of offences), in so far as it relates to offences under Article 34(1) as applied by paragraph (3)(b);

(e) Article 36(2) and (3), in so far as it relates to offences under Article 34(2) as applied by paragraph (3)(c).

(2) In the application of Article 33 of the Order (powers of entry) for the purposes of these Regulations, the reference in Article 33(1) to the Order is to be construed as including references to the EC Regulation.