STATUTORY RULES OF NORTHERN IRELAND

2008 No. 198

FOOD

The Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008

Made - - - -	*2nd May 2008*
Coming into operation	*31st May 2008*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by Articles 15(1)(e), 16(1), 25(1)(a) 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 Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008 and come into operation on 31st May 2008.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

2.—(1) The Food Labelling Regulations (Northern Ireland) 1996(**4**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation), in the definition of Directive 2000/13 for the words from "Commission Directive 2005/26/EC" to the end substitute "Commission Directive 2007/68/EC

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.I) 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. 575/2006 (OJ No. L100, 8.4.2006, p.3)

(**4**) S.R. 1996 No.383, as last amended by S.R. 2007 No. 498; the definition of Directive 2000/13 in regulation 2(1) was inserted by S.R. 2003 No. 448 and amended by S.R. 2005 Nos. 396 and 475; regulation 13(8)(c) was inserted by S.R. 2004 No. 469 and amended by S.R. 2005 No. 396; regulation 34B and the associated Schedule AA1 were inserted by S.R. 2004 No. 469; regulation 34B was amended by, and Schedule 2A was inserted by, S.R. 2005 No. 396; Schedule AA1 was amended by S.R. 2007 No. 498; regulation 50(13) was inserted by S.R. 2005 No.198 and regulation 50(14) by S.R. 2007 No. 498

amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients;"(**5**).

(3) In regulation 13(8)(c) —

(a) omit "paragraphs 1 to 11 of"; and

(b) omit the passage beginning "other than" and ending "that allergenic ingredient".

(4) In regulation 34B(1) —

(a) for "paragraphs (2) and (3)" substitute "paragraph (2)"; and

(b) omit "paragraphs 1 to 11 of".

(5) In regulation 34B(2)(b) —

(a) omit "subject to paragraph (3) of this regulation,"; and

(b) omit "paragraphs 1 to 11 of".

(6) In regulation 50 (transitional provision), after paragraph (14) insert —

"(15) In any proceedings for an offence under regulation 44(a) it shall be a defence to prove that —

(a) the food concerned was sold before 31st May 2009 or marked or labelled before that date; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008 had not been in operation when the food was sold".

(7) For Schedule AA1 substitute Schedule AA1 as set out in the Schedule to these Regulations.

Revocations

3. The following Regulations or provisions are revoked —

(a) Regulation 34B(3) of, and Schedule 2A to, the Food Labelling Regulations (Northern Ireland) 1996;

(b) The Food Labelling (Amendment No.2) Regulations (Northern Ireland) 2005(**6**);

(c) The Food Labelling (Amendment No.2) (Amendment) Regulations (Northern Ireland 2005(**7**); and

(d) The Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2007(**8**).

(**5**) OJ No. L310, 28.11.2007, p.11
(**6**) S.R. 2005 No. 396
(**7**) S.R. 2005 No. 475
(**8**) S.R. 2007 No. 498