STATUTORY RULES OF NORTHERN IRELAND

2007 No. 408

FOOD

The Food for Particular Nutritional Uses (Miscellaneous Amendments) Regulations (Northern Ireland) 2007

Made - - - -	*20th September 2007*
Coming into operation	*15th October 2007*

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

It has had regard to relevant advice given by the Food Standards Agency as required by Article 47(3A) of that Order.

There has been open and transparent public consultation during the preparation of the Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**3**) 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.

Citation and commencement

1. These Regulations may be cited as the Food for Particular Nutritional Uses (Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and come into operation on 15th October 2007.

Amendment to the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995

2.—(1) The Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995(**4**) are amended in accordance with paragraph (2).

(2) In regulation 10 (offences and enforcement)—

(**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, S.R. 2004 No.482 and S.R. 2004 No.505

(**3**) OJ No. L31, 1.2.2002, p.1 as last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3) amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3). By virtue of Regulation 5 of the Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No.482), with effect from 7th December 2004 the consultation requirement contained in Article 47(3) of the 1991 Order is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002

(**4**) S.R. 1995 No.85, to which there are amendments not relevant to these Regulations

(a) in paragraph (1), insert at the beginning "Subject to paragraph (2A),"; and

(b) immediately after paragraph (2), add the following—

"(2A) A person shall not be considered to have contravened the provisions contained in regulation 2 where the sale which would otherwise have constituted a contravention of those provisions is the sale of an infant formula falling within the derogation set out in Article 1 of Commission Regulation (EC) No. 1609/2006 authorising the placing on the market of infant formulae based on hydrolysates of whey protein derived from cows' milk protein for a two-year period(**5**).".

Amendment to the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997

3.—(1) The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997(**6**) are amended in accordance with paragraph (2).

(2) In regulation 4 (labelling, advertising and presentation) omit "or to a reduction in the sense of hunger or an increase in the sense of satiety".

Amendment to the Medical Food Regulations (Northern Ireland) 2000

4.—(1) The Medical Food Regulations (Northern Ireland) 2000(**7**) are amended in accordance with paragraph (2).

(2) In regulation 2 (interpretation), for the definition of "the Directive" there is substituted the following—

""the Directive" means Commission Directive 1999/21/EC on dietary foods for special medical purposes(**8**) as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**9**) and Commission Directive 2006/82/EC adapting Directive 91/321 on infant formulae and follow-on formulae and Directive 1999/21/EC on dietary foods for special medical purposes, by reason of the accession of Bulgaria and Romania(**10**);".

Amendment to the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002

5.—(1) The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002(**11**) are amended in accordance with paragraph (2).

(2) In paragraph (5) of regulation 3 (restrictions on sale) for "1st January 2007" substitute "1st January 2010".

(**5**) OJ No. L299, 28.10.2006, p.9
(**6**) S.R. 1997 No.450, to which there is an amendment not relevant to these Regulations
(**7**) S.R. 2000 No.187; relevant amending Statutory Rule is S.R. 2004 No. 346
(**8**) OJ No. L91, 7.4.99, p.29, as read with the Corrigendum at OJ No.L2, 5.1.2000, p.79
(**9**) OJ No. L236, 23.9.2003, p.33
(**10**) OJ No. L362, 20.12.2006, p.94
(**11**) S.R. 2002 No.264, amended by S.R. 2004 No.105; there are other amending instruments but none is relevant