STATUTORY RULES OF NORTHERN IRELAND

2007 No. 301

FOOD

The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007

Made - - - -	*14th June 2007*
Coming into operation	*7th August 2007*

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)(a) and (3), and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**).

In accordance with section 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 Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 and shall come into operation on 7th August 2007.

Interpretation

2.—(1) In these Regulations —

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

"the EC Regulation" means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods(**4**).

(**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 No.482 and S.R. 2004 No.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**) OJ No. L404, 30.12.2006, p.26

(2) Expressions used in these Regulations and in the EC Regulation have the same meaning in these Regulations as they do in that Regulation.

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

Enforcement

3. Each district council within its district shall enforce and execute the provisions of these Regulations and of the EC Regulation.

Offences and penalties

4.—(1) Subject to the transitional measures contained in Article 18 (relating to foods placed on the market before 1 July 2007), any person who contravenes or fails to comply with the provisions of the EC Regulation specified in paragraph (2) is guilty of an offence and liable —

(a) on conviction on indictment to a term of imprisonment not exceeding two years or to a fine or both;

(b) on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding the statutory maximum or both.

(2) The specified provisions referred to in paragraph (1) are —

(a) Article 3(1) (requirement that only vitamins or minerals listed in Annex I and in form listed in Annex II may be added to food) as read with Article 17(1) (transitional application of national rules);

(b) Article 4 (prohibition on addition of vitamins and minerals to certain foods);

(c) Article 5(2) (requirement to observe purity criteria);

(d) Article 6(6) (requirement for added vitamins and minerals to be in the food in at least a significant amount as defined); and

(e) Article 7(1), (2) and (3) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).

Application of various provisions of the Order

5. 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 of it is to be construed as a reference to these Regulations —

(a) Articles 2(4) and 3 (extended meaning of "sale" etc);

(b) Article 4 (presumption that food is intended for human consumption);

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

(d) Article 20 (defence of due diligence) as it applies for the purposes of Article 13 or 14;

(e) Article 21 (defence of publication in the course of business);

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

(g) Article 35 (time limit for prosecution);

Obstruction of officers and provision of information etc

6.—(1) Any person who —

(a) intentionally obstructs any person acting in the execution of these Regulations; or