STATUTORY RULES OF NORTHERN IRELAND

2006 No. 443

AGRICULTURE
FOOD

The Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006

Made - - - -	*9th November 2006*
Coming into operation	*9th November 2006*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 (**2**).

The Department of Health, Social Services and Public Safety has been designated(**3**) for the purpose of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals.

Citation and commencement

1. These Regulations may be cited as the Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 and shall come into operation on 9th November 2006.

Interpretation

2.—(1) In these Regulations—

"authorised officer", in relation to the Department of Agriculture and Rural Development or a district council, means any person (whether or not an officer of the Department of Agriculture and Rural Development or district council) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulations;

"the Commission Decision" means Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(**4**) as amended by Commission Decision 2006/754/EC amending Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(**5**);

(**1**) Formerly the Department of Health and Social Services see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) 1972 c. 68
(**3**) S.I. 2003/2901
(**4**) OJ No. L244, 7.9.2006, p.27
(**5**) OJ No. L306, 7.11.2006, p.17

"the Department" means the Department of Health, Social Services and Public Safety;

"feed" has the meaning given to it in Article 3.4 of Regulation 178/2002;

"food" has the meaning given to it in Article 2 of Regulation 178/2002;

"first placing on the market" has the meaning that it bears in the Commission Decision;

"rice product" means any rice product referred to in the table in Article 1 of the Commission Decision that originates from the United States of America; and

"Regulation 178/2002" means 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(**6**) as last amended by Commission Regulation (EC) No. 575/2006 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(**7**).

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Restriction on first placing on the market of rice products

3.—(1) The first placing on the market of any rice product is prohibited unless—

(a) the conditions specified in Article 2(1) of the Commission Decision are satisfied in relation to that product;

(b) official sampling and analysis carried out in accordance with Article 2(2) of that Decision demonstrates that that product does not contain genetically modified rice "LL RICE 601"; and

(c) arrangements have been made to ensure compliance with the conditions specified in Article 2(4) of that Decision in relation to that product.

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding three months or to both.

Enforcement

4.—(1) It shall be the duty of the Department of Agriculture and Rural Development to execute and enforce these Regulations in relation to feed.

(2) Each district council shall, within its district, execute and enforce the provisions of these Regulations in relation to food.

(3) For the purposes of enabling the Department of Agriculture and Rural Development to exercise its duty under paragraph (1) and each district council to exercise its duty under paragraph (2), an authorised officer of the Department of Agriculture and Rural Development or district council concerned shall ensure that the requirements referred to in paragraph (4) are adhered to.

(4) The requirements are those specified in —

(a) Article 2 of the Commission Decision (which are concerned with the conditions under which consignments of rice products may first be placed on the market);

(b) the first sentence of Article 3 of that Decision (which is concerned with control measures relating to rice products already on the market); and

(**6**) OJ No. L31, 1.2.2002, p.1
(**7**) OJ No. L100, 8.4.2006, p.3
(**8**) 1954 c.33 (N.I.)