STATUTORY RULES OF NORTHERN IRELAND

2004 No. 182

FOOD

Food (Jelly Confectionery) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*16th April 2004*
Coming into operation	*19th April 2004*

The Department of Health, Social Services and Public Safety, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food (Jelly Confectionery) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 19th April 2004.

Amendments to the Food (Jelly Confectionery) (Emergency Control) Regulations (Northern Ireland) 2002

2.—(1) The Food (Jelly Confectionery) (Emergency Control) Regulations (Northern Ireland) 2002(**3**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) –

(a) the definition of "the Commission Decision" shall be deleted;

(b) for the definition of "controlled jelly confectionery" there shall be substituted –

> ""controlled jelly confectionery" means –
>
> (a) any jelly confectionery which contains E425: Konjac : (i) Konjac gum (ii) Konjac glucomannane and which is intended for human consumption; and
>
> (b) any jelly mini-cups which contain any of the relevant food additives and which are intended for human consumption;";

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) S.R. 2002 No.141

(c) immediately after the definition of "the Department" there shall be inserted –

""the first Commission Decision" means Commission Decision 2002/247/EC suspending the placing on the market and import of jelly confectionery containing the food additive E425: Konjac(**4**);"; and

(d) immediately after the definition of "jelly confectionery" there shall be substituted –

""the relevant food additives" means the food additives E400: alginic acid; E401 : sodium alginate; E402 : potassium alginate; E403 : ammonium alginate; E404 : calcium alginate; E405 : propane 1,2-diol alginate; E406 : agar; E407 : carrageenan; E407a : processed euchema seaweed; E410 : locust bean gum; E412 : guar gum; E413 : tragacanth; E414 : acacia gum; E415 : xanthan gum; E417 : tara gum and E418 : gellan gum; and

"the second Commission Decision" means Commission Decision of 13th April 2004 suspending the placing on the market and import of jelly mini-cups containing the food additives E400, E401, E402, E403, E404, E405, E406, E407, E407a, E410, E412, E413, E414, E415, E417 and / or E418(**5**).".

(3) For paragraph (2) of regulation 2 there shall be substituted –

"(2) Any term used both in these Regulations and in the first Commission Decision or in the second Commission Decision has the same meaning as in the first Commission Decision or as the case may be the second Commission Decision.".

(4) In regulation 3 (prohibitions) –

(a) immediately after paragraph (2) there shall be inserted –

"(2A) For the purposes of paragraph (1), any jelly mini-cups which contain any of the relevant food additives shall be presumed until the contrary is proved to be controlled jelly confectionery.";

(b) immediately after paragraph (3) there shall be inserted –

"(3A) No person shall use any of the relevant food additives in the manufacture of any jelly mini-cups which are intended for human consumption.";

(c) immediately after paragraph (4) there shall be inserted –

"(4A) For the purposes of paragraph (3A) any jelly mini-cups shall be presumed until the contrary is proved to be intended for human consumption."; and

(d) in paragraph (5) for "paragraph (1) or (3)" there shall be substituted "paragraph (1), (3) or (3A)".

(5) In the modified version of Article 8 of the Food Safety (Northern Ireland) Order 1991(**6**) applied by paragraph (2) of regulation 5 (application etc. of various provisions of the Order) –

(a) immediately after paragraph (2)(b) there shall be added – "or

(c) any person has used any of the relevant food additives in the manufacture of any jelly mini-cups which are intended for human consumption, in contravention of regulation 3(3A) of those Regulations.";

(b) in paragraph (5)(b) for "regulation 3(1) or (3)" there shall be substituted "regulation 3(1), (3) or (3A)";

(c) in paragraph (6) for "regulation 3(1) or (3)" there shall be substituted "regulation 3(1), (3) or (3A)"; and

(d) for paragraph (9) there shall be substituted –

(**4**) O.J. No. L84, 28.3.2002, p. 69
(**5**) O.J. No. L[ ]
(**6**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I. 12)