STATUTORY RULES OF NORTHERN IRELAND

2004 No. 33

FOOD

Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004

Made - - - - 5th February 2004

Coming into operation 15th March 2004

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(a), (e) and (f), 16(2), 17(1)(a) and (b), 25(1)(a) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation both 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**) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004 and shall come into operation on 15th March 2004.

Interpretation

2.—(1) In these Regulations –

"the Agency" means the Food Standards Agency;

"novel food" and "novel food ingredients" have the meaning given in Article 1(2) of Regulation (EC) No. 258/97(**4**);

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

"Regulation (EC) No. 258/97" means Regulation (EC) No. 258/97 of the European Parliament and of the Council concerning novel foods and novel food ingredients;

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I.1), Article 3
(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(**3**) O.J. No. L31, 1.2.2002, p. 1
(**4**) O.J. No. L43, 14.2.97, p. 1

"specified Community provision" means a provision of Regulation (EC) No. 258/97 specified in column 1, and described in column 2, of the Schedule.

(2) Other expressions used in these Regulations have the same meanings as in Regulation (EC) No. 258/97, and in these Regulations any reference to a numbered article is a reference to the article so numbered in Regulation (EC) No. 258/97.

Requests relating to novel foods and novel food ingredients

3. Any request made pursuant to Article 4.1 of Regulation (EC) No. 258/97 shall be submitted for processing to the Agency which shall be the food assessment body for the purposes of that Regulation.

Enforcement

4. Each district council shall, within its district, enforce and execute the provisons of Regulation (EC) No. 258/97 and these Regulations.

Offences and penalties

5. Any person who contravenes any of the specified Community provisions shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of various provisions of the Order

6. The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations –

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

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

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

(d) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14 of the Order;

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

(f) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2).

Application of Articles 33 and 34 of the Order

7. Articles 33 (powers of entry) and 34 (obstruction, etc., of officers) of the Order shall apply for the purposes of these Regulations as they apply for the purposes of the Order, and any reference in paragraph (1) of each of those Articles to the Order shall be construed for the purposes of these Regualtions as including a reference to the specified Community provision.