STATUTORY RULES OF NORTHERN IRELAND

2004 No. 13

FOOD

Meat Products Regulations (Northern Ireland) 2004

Made - - - -	*16th January 2004*
Coming into operation	*29th February 2004*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(a) and (e), 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(**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 Meat Products Regulations (Northern Ireland) 2004 and shall come into operation on 29th February 2004.

Interpretation

2. In these Regulations –

"catering establishment" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996(**4**);

"cooked", in relation to a food, means subjected to a process of cooking throughout the whole food so that the food is sold for consumption without further cooking;

"cured meat" means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

"curing salt" means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride

(**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; 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
(**4**) S.R. 1996 No. 383; relevant amending Regulations are S.R. 1998 Nos. 253 and 359, S.R. 1999 Nos. 143, 244, 286 and 301, S.R. 2000 No. 189 and S.R. 2003 No. 159

alone is to be regarded as a curing salt when used in a meat product only if used in sufficient quantity to have a significant preserving effect on the meat product;

"ingredient" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996;

"meat" has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the member States relating to the labelling, presentation and advertising of foodstuffs(**5**), as amended by Commission Directive 2001/101/EC(**6**);

"meat product" means any food, other than one specified in Schedule 1, which consists of meat or which contains as an ingredient, or as ingredients, any of the following: meat; mechanically recovered meat; or, from any mammalian or bird species recognised as fit for human consumption, heart, tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail;

"mechanically recovered meat" has the same meaning as in Commission Directive 2001/101/EC;

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

"sell" includes offer or expose for sale and includes have in possession for sale;

"ultimate consumer" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations shall not apply in respect of any food which is –

(a) not intended for sale for human consumption; or

(b) marked or labelled with a clear indication that the food is intended exclusively for consumption by babies or young children.

(3) Regulation 4 (restrictions on the use of certain names) shall not apply in respect of any food which is –

(a) brought into Northern Ireland from –

(i) an EEA State (other than the United Kingdom), or

(ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in an EEA State; or

(b) brought into Northern Ireland from –

(i) a member State (other than the United Kingdom), or

(ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in a member State, or in which it was in free circulation and lawfully sold.

(4) For the purposes of paragraph (3) –

"EEA State" means a State which is a Contracting Party to the Agreement on the European Economic Area(**7**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**8**) signed at Brussels on 17th March 1993;

(**5**) O.J. No. L109, 6.5.2000, p. 29
(**6**) O.J. No. L310, 28.11.2001, p. 19
(**7**) O.J. No. L1, 3.1.94, p. 1

"free circulation" has the same meaning as in Article 24 of the Treaty establishing the European Community;

"member State" means a State which is a member of the European Community.

Restrictions on the use of certain names

4.—(1) For the purposes of the Food Labelling Regulations (Northern Ireland) 1996, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a meat product as the name of the food, whether or not qualified by other words, unless either –

(a) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or

(b) the name is used in accordance with paragraph (2).

(2) A name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food unless either –

(a) (i) that product is an ingredient of the food, and

(ii) that product complied, at the time of preparation of the food, with the appropriate requirements in columns 2 and 3 of that Schedule; or

(b) (i) the name used as the name of the food for that food is a name which appears in column 1 of that Schedule, and

(ii) the food complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(3) No person shall sell a food in the labelling of which a name is used in contravention of paragraph (1) or (2).

(4) No person shall use a name in contravention of paragraph (1) or (2) in advertising a food for sale.

Name of the food for certain meat products

5.—(1) Subject to paragraphs (3) and (4), where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case, whether cooked or uncooked), this regulation shall apply.

(2) For the purposes of the Food Labelling Regulations (Northern Ireland) 1996, the name used as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of –

(a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and

(b) any added ingredient to which sub-paragraph (a) does not apply other than one which is specified in Schedule 3.

(3) For the purposes of paragraph (1), no account shall be taken of the presence in or on the meat product of any seasoning, garnishing or gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2, whether or not qualified by other words, or to a food having the appearance of minced uncooked meat which has been shaped.

(**8**) O.J. No. L1, 3.1.94, p. 571

Parts of the carcase in uncooked meat products

6.—(1) Subject to paragraph (3), no person shall sell an uncooked meat product in the preparation of which any part specified in paragraph (2) of the carcase from any mammalian species has been used as an ingredient.

(2) Subject to the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002(**9**), the specified parts of the carcase are: brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition contained in paragraph (1) shall not extend to use of either a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation, "sausage" includes chipolata, frankfurter, link, salami and any similar product.

Penalties and enforcement

7.—(1) If any person contravenes regulation 4, 5(2) or 6(1) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each district council shall enforce and execute these Regulations within its district.

Application of various provisions of the Order

8. 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 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;

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

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

(g) Article 34 (obstruction, etc., of officers);

(h) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2) as applied by paragraph (g).

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

9. The Food Labelling Regulations (Northern Ireland) 1996 shall be amended as follows –

(a) in regulation 2(1) (interpretation), immediately after the definition of "liqueur wine" there shall be inserted the following definition –

> ""meat product" has the meaning assigned to it by the Meat Products Regulations (Northern Ireland) 2003;";

(b) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products), in paragraph (2) –

(i) at the end of sub-paragraph (a), "and" shall be deleted, and

(ii) after sub-paragraph (b) there shall be inserted the following –

"and

(**9**) S.R. 2002 No. 225, as amended by S.R. 2003 Nos. 495 and 509

(c) in the case of a meat product other than one listed in Schedule 4A, the particulars required by regulation 5(bA) in respect of those of its ingredients being meat, within the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC,";

(c) after Schedule 4 there shall be inserted the Schedule contained in Schedule 4 to these Regulations.

Transitional provision and defence in relation to exports

10. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that –

(a) (i) the act was committed before 1st August 2004; and

(ii) the matter constituting the offence would not have constituted an offence under the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984(**10**) as they stood immediately prior to the coming into force of these Regulations; or

(b) the food in respect of which the offence is alleged to have been committed –

(i) was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence; or

(ii) in the case of proceedings for an offence under regulation 4 or 5, was intended for export and was marked or labelled before 1st August 2004.

Revocations

11. The provisions specified in column 1 of Schedule 5 are revoked to the extent specified in column 2 of that Schedule.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th January 2004.

Deirdre Kenny
A Senior Officer of the
Department of Health, Social Services and
Public Safety

(**10**) S.R. 1984 No. 408, as amended by S.R. 1986 No. 227, S.R. 1991 Nos. 203 and 344, S.R. 1992 No. 464, S.R. 1996 Nos. 48, 49, 50 and 383, and S.R. 1998 No. 253