STATUTORY RULES OF NORTHERN IRELAND

2003 No. 383

FOOD

Honey Regulations (Northern Ireland) 2003

Made - - - -	*20th August 2003*
Coming into operation	*1st October 2003*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(e), 16(1), 25(1) 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 Honey Regulations (Northern Ireland) 2003 and shall come into operation on 1st October 2003.

Interpretation

2.—(1) In these Regulations –

"the 1996 Regulations" means the Food Labelling Regulations (Northern Ireland) 1996(**4**);

"the Agency" means the Food Standards Agency;

"brood" means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3
(**2**) SI 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**) S.R.1996 No.383; the relevant amending Regulations are S.R.1998 No. 253, S.R. 1999 Nos. 143, 244 and 286, S.R. 2000 Nos. 189 and 303, S.R. 2001 No. 45 and S.R. 2003 No. 159

business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

"Directive 2001/110/EC" means Council Directive 2001/110/EC relating to honey(**5**);

"EEA Agreement" means the Agreement on the European Economic Area(**6**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**7**) signed at Brussels on 17th March 1993;

"EEA State" means a State which is a Contracting Party to the EEA Agreement;

"honey" means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;

"ingredient" has the meaning assigned to it by the 1996 Regulations;

"labelling" has the meaning assigned to it by the 1996 Regulations;

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

"preparation" includes manufacture and any form of processing or treatment; and

"reserved description", as regards any specified honey product means any description specified in relation to that product in column 1 of Schedule 1 (as read with the Notes relating to that Schedule);

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

"specified honey product", subject to paragraph (2), means any food specified in Column (2) of Schedule 1;

"ultimate consumer" means any person who buys otherwise than –

(a) for the purpose of resale,

(b) for the purposes of a catering establishment, or

(c) for the purposes of a manufacturing business.

(2) Notwithstanding the fact that a food is specified in Column 2 of Schedule 1, it will only be treated as a specified honey product for the purpose of these Regulations –

(i) if it meets the relevant specifications contained in Schedule 2 as read with the notes relating to that Schedule, and

(ii) there has not been added to it any other ingredient and it is as far as possible free from organic or inorganic matters foreign to its composition.

(3) Any other expression used in both these Regulations and in Directive 2001/110 has the same meaning in these Regulations as in that Directive.

Reserved descriptions

3. No person shall sell to the ultimate consumer or to a catering establishment any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless –

(a) such food is the specified honey product to which the reserved description relates;

(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;

(**5**) O.J. No. L10, 12.1.2002, p. 47, as adopted by EEA Joint Committee Decision 99/2002
(**6**) O.J. No. L1, 3.1.94, p. 1
(**7**) O.J. No. L1, 3.1.94, p. 571

(c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a specified honey product.

Labelling and description of specified honey products

4.—(1) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell to the ultimate consumer or to a catering establishment any specified honey product unless it is marked or labelled with the following particulars –

(a) a reserved description of the product;

(b) in the case of baker's honey, the words "intended for cooking only" which words shall appear on the label in close proximity to the product name;

(c) the country or countries of origin where the honey has been harvested save that if the honey originates in more than one Member State or third country the country of origin may be replaced with one of the following as appropriate –

(i) "blend of EC honeys",

(ii) "blend of non-EC honeys",

(iii) "blend of EC and non-EC honeys";

(2) No person shall sell to the ultimate consumer or to a catering establishment any filtered honey or baker's honey which is marked or labelled with information relating to floral or vegetable origin, regional, territorial or topographical origin or specific quality criteria.

(3) Where pursuant to note 2 of Schedule 1, the reserved description "honey" has been used in the product name of a compound foodstuff containing baker's honey, no person shall sell such a compound foodstuff unless the list of ingredients includes the term "baker's honey".

Sale of filtered honey or baker's honey in bulk containers or packs

5.—(1) No person shall sell any filtered honey or baker's honey in bulk containers or packs unless such bulk containers and packs are labelled with their respective reserved description of the product and any trade documents clearly indicate the reserved description of the product.

(2) For the purpose of this paragraph trade documents includes all the documents relating to the sale, transportation, storage or delivery of the product.

Manner of marking or labelling

6. Regulations 35, 36(1) and (5) and 38 of the 1996 Regulations (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a specified honey product is required to be marked or labelled by regulations 4(1)(a) to (c) and (3) of these Regulations as if they were particulars with which a food is required to be marked or labelled by the 1996 Regulations.

Penalties and enforcement

7.—(1) Any person who contravenes regulation 3, 4 or 5 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.

Defence in relation to exports

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

(a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and

(b) in the case of export to an EEA State, that the legislation complies with the provisions of Directive 2001/110/EC.

Application of various provisions of the Order

9. 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 21 (defence of publication in the course of a 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 and revocations

10.—(1) The Honey Regulations (Northern Ireland) 1976(**8**) are hereby revoked.

(2) The following entries relating to the Honey Regulations (Northern Ireland) 1976 shall be omitted –

(a) in the Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987(**9**), in Schedule 1;

(b) in the Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991(**10**), in Part I to Schedule 1, and in Schedules 2, 3 and 5;

(c) in the Food Safety (Exports) Regulations (Northern Ireland) 1991(**11**), in the Schedule;

(d) in the Food (Forces Exemptions) (Revocations) Regulations (Northern Ireland) 1992(**12**), in the Schedule;

(e) in the Food Labelling Regulations (Northern Ireland) 1996(**13**), in Schedule 9.

(3) In the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(**14**), in Schedule 6, for the reference to Directive 74/409/EEC there shall be substituted a reference to Directive 2001/110/EC.

(4) In the 1996 Regulations, regulation 4(2)(c) is hereby revoked.

(**8**) S.R. 1976 No. 387, as amended by S.R. 1981 No. 305, S.R. 1991 Nos. 203 and 344, S.R. 1992 No. 464 and S.R. 1996 No. 383
(**9**) S.R.1987 No. 38
(**10**) S.R.1991 No. 203
(**11**) S.R.1991 No. 344
(**12**) S.R.1992 No. 464
(**13**) S.R.1996 No. 383
(**14**) S.R.1996 No. 50

Transitional provisions

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

(a) the food concerned was marked or labelled before 1st August 2004; and

(b) the matters constituting the alleged offence would not have constituted an offence under the Honey Regulations (Northern Ireland) 1976 as they stood immediately before the coming into operation of these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 20th August 2003.

W. B. Smith
A Senior Officer of the
Department of Health, Social Services and
Public Safety