STATUTORY RULES OF NORTHERN IRELAND

2003 No. 159

FOOD

Food Labelling (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*11th March 2003*
Coming into operation	*21st April 2003*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 15(1)(e) and (f), 16(1), 25(1) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), 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**) 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 and in accordance with Articles 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 21st April 2003.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

2. The Food Labelling Regulations (Northern Ireland) 1996(**4**) shall be amended in accordance with regulations 3 to 5.

3. In regulation 14 (names of ingredients) there shall be substituted for paragraph (4) the following paragraph –

> "(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule.".

(**1**) Formerly the Department of Health and Social Services: *see*S.I. 1999/283 (N.I. 1) Article 3(6)
(**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**) S.R. 1996/383; the relevant amending Regulations are S.R. 1998 No.253, S.R. 1999 Nos.143, 244 and 286, and S.R. 2000 No. 189

4. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph –

"(10) In any proceedings for an offence under regulation 44(a), it shall be a defence to prove that –

(a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and

(b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) Regulations (Northern Ireland) 2003 had not been in operation when the food was sold.".

5. In Schedule 3 (generic names in list of ingredients) –

(a) there shall be inserted at the beginning the following heading –

"PART I

GENERAL";

(b) after the entries relating to herb, herbs, *or* mixed herbs, the following entries shall be inserted in column 1 (generic name), column 2 (ingredients) and column 3 (conditions of use of generic name) respectively –

""Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes	Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding – (a) the heart, (b) the tongue, (c) the muscles of the head (other than the masseters), (d) the muscles of the carpus, (e) the tarsus, (f) the tail, and (g) any products covered by the definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC(**5**) on health conditions for the production and marketing of fresh meat, as last	The total fat and connective tissue content must not exceed the limits specified in Part II and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.";

(**5**) O.J. No. L121, 28.7.64, p. 2012 (O.J./SE 1963–64 p. 185)