STATUTORY RULES OF NORTHERN IRELAND

2001 No. 419

FOOD

Miscellaneous Food Additives (Amendment No. 2) Regulations (Northern Ireland) 2001

Made - - - -	*30th November 2001*
Coming into operation	*15th January 2002*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(*a*), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, 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 in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 15th January 2002.

(2) In these Regulations "the principal Regulations" means the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(**3**).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation)—

(a) in the definition of "Directive 95/2/EC", for "and European Parliament and Council Directive 98/72/EC" there shall be substituted ", European Parliament and Council Directive 98/72/EC(**4**) and European Parliament and Council Directive 2001/5/EC(**5**)";

(**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**) S.R. 1996 No. 50 as amended by S.R. 1997 No. 340, S.R. 1999 No. 244 and S.R. 2001 No. 46
(**4**) O.J. No. L295, 4.11.98, p. 18
(**5**) O.J. No. L55, 24.2.2001, p. 59

(b) in the definition of "Directive 96/77/EC", for "and Commission Directive 2000/63/EC" there shall be substituted ", Commission Directive 2000/63/EC(**6**) and Commission Directive 2001/30/EC(**7**)"; and

(c) in the definition of "purity criteria", for paragraph (*b*) there shall be substituted—

"(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;".

4. In regulation 11 (transitional provisions and exemptions) after paragraph (1C) there shall be inserted—

"(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that—

(a) the food additive or food concerned was put on the market or labelled before 15th January 2002; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulations 3(*b*) and (*c*) and 8 of the Miscellaneous Food Additives (Amendment No. 2) Regulations (Northern Ireland) 2001 had not been in operation when that matter occurred.".

5. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8)—

(a) in note 2, for "and E 948" there shall be substituted ", E948 and E949"; and

(b) in the Table—

(i) in the first column, immediately after the reference to "E948" there shall be inserted a reference to "E949", and

(ii) in the second column, immediately after the reference to "Oxygen" there shall be inserted a reference to "Hydrogen".

6. In the Table to Schedule 3 (other permitted miscellaneous additives)—

(a) in the entry for Glycerol esters of wood rosins (E445)—

(i) in the third column, after the reference to "non-alcoholic flavoured cloudy drinks" there shall be added the following references—

"Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, designation and presentation of spirit drinks(**8**)

Cloudy spirit drinks containing less than 15% alcohol by volume";

(ii) in the fourth column, opposite to each of the references added by this paragraph, there shall be added references to "100mg/1";

(b) immediately after the entry for Disodium 5'-ribonucleotides (E635) there shall be inserted the following entry—

"E650	Zinc acetate	Chewing gum	1000 mg/kg";

(c) immediately after the entry for Carbamide (E927b) there shall be inserted the following entries—

"E943a	Butane

(**6**) O.J. No. L277, 30.10.2000, p. 1
(**7**) O.J. No. L146, 31.5.2001, p. 1
(**8**) O.J. No. L160, 12.6.89, p. 1