STATUTORY RULES OF NORTHERN IRELAND

1999 No. 302

FOOD

Contaminants in Food (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*30th June 1999*
Coming into operation	*16th August 1999*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1) and (f), 16(2), 25(2)(a) and (3), 26(3), 32 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Contaminants in Food (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 16th August 1999.

(2) In these Regulations "the principal Regulations" means the Contaminants in Food Regulations (Northern Ireland) 1997(**2**).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 7.

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

(a) at the end of the definition of "the Commission Regulation" there shall be inserted "as amended by Commission Regulation (EC) No. 1525/98(**3**) and Commission Regulation (EC) No. 864/1999(**4**)";

(b) after the definition of "the Commission Regulation" there shall be inserted—

> ""designated place" means any place at which there are the facilities to carry out the sampling required by Directive 98/53/EC;

(**1**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). See Article 2(2) for the definitions of "the Department concerned" and "regulations"
(**2**) S.R. 1997 No. 338
(**3**) O.J. No. L201, 17.7.98, p. 43
(**4**) O.J. No. L108, 27.4.99, p. 16

"Directive 98/53/EC" means Commission Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs(**5**);";

(c) after the definition of "the Order" there shall be inserted—

""ultimate consumer" has the same meaning as in the Food Labelling Regulations (Northern Ireland) 1996(**6**);".

4. For paragraph (1) of regulation 3 (offences and penalties) there shall be substituted—

"(1) A person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if—

(a) he places on the market any food (other than authorised lettuce or spinach) which is covered by, but fails to meet the requirements of, Article 2.1 as read with Article 2.5;

(b) he contravenes Article 2.4;

(c) he knowingly contravenes the requirements of a notice given under Article 8(3)(a) of the Order as applied with modifications by regulation 6;

(d) he fails to comply with paragraph (1) of regulation 5A;

(e) in purported compliance with paragraph (2) of regulation 5A he furnishes any record containing information which he knows to be false or misleading in a material particular; or

(f) without reasonable excuse, he fails to comply within a reasonable time with a demand made under paragraph (2) of regulation 5A.".

5. After regulation 4 there shall be inserted—

"**Sampling, analysis and modification of Article 29 of the Order**

4A.—(1) In its application to the taking, for the purposes of these Regulations, of a sample of any food described in point I.2.1 of the Annex to the Commission Regulation, Article 29 of the Order shall be modified so as to limit the power to take samples under paragraph (b) of that Article to the taking of samples in accordance with the methods of taking samples described, or referred to, in Annex I to Directive 98/53/EC(**7**).

(2) An authorised officer who has procured a sample of any food of a description in point I.2.1. of the Annex to the Commission Regulation under Article 29(b) of the Order, as modified by paragraph (1), shall ensure—

(a) that the sample is prepared in accordance with—

(i) paragraphs 1.1, 2 and 3 of Annex II to Directive 98/53/EC; and

(ii) in the case of whole nuts, paragraph 1.2 of that Annex;

(b) that any analysis of the sample is carried out in accordance with methods of analysis which—

(i) if possible, comply with paragraphs 1 and 2 of the Annex to Council Directive 85/591 concerning the introduction of Community methods of

(**5**) O.J. No. L201, 17.7.98, p. 93
(**6**) S.R. 1996 No. 383; to which there are amendments not relevant to these Regulations
(**7**) Paragraphs 5.4.1. and 5.5.1.1 of Annex I to Directive 98/53/EC refer, in relation to the products covered by them, to sampling in accordance with Commission Decision 91/180/EEC (O.J. No. L93, 13.4.91, p. 1) laying down certain methods of analysis and testing of raw milk and heat-treated milk and Commission Directive 87/524/EEC (O.J. No. L306, 28.10.87, p. 24) laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products