STATUTORY RULES OF NORTHERN IRELAND

1998 No. 345

FOOD

Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*30th September 1998*
Coming into operation—	
Regulations 1 and 2(a), (c) (ii) and (e)(ii)	*9th November 1998*
Remainder	*27th April 1999*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(1)(*a*) and (3), 26(3) 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 the said 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 Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 1998.

(2) This regulation and regulation 2(*a*), (*c*)(ii) and (*e*)(ii) shall come into operation on 9th November 1998 and the remainder of these Regulations shall come into operation on 27th April 1999.

(3) In these Regulations "the principal Regulations" means the Extraction Solvents in Food Regulations (Northern Ireland) 1993(**2**).

Amendment of the principal Regulations

2. The principal Regulations shall be amended as follows—

(a) in regulation 3 (sale of food containing extraction solvents and of extraction solvents) in paragraph (2)(*e*) for "items 11 to 20" there shall be substituted "items 11 to 21";

(b) after regulation 7 (transitional provision) there shall be inserted—

(**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. 1993 No. 330, as amended by S.R. 1995 No. 263

"**Defence in relation to existing stocks**

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

(a) the food or, as the case may be, the extraction solvent in respect of which the offence is alleged to have been committed was placed on the market or labelled before 27th April 1999; and

(b) the act or omission alleged to constitute the offence would not, if it had been committed or had occurred, as appropriate, before 27th April 1999, have constituted an offence under these Regulations prior to their amendment by the Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 1998.";

(c) in Schedule 1, Part I (permitted extraction solvents) in Column 1—

(i) entry number 3 "Butyl acetate" and entry number 18 "Methyl-propan-1-ol" shall be omitted;

(ii) after entry number 20 there shall be inserted—

"**21.** 1,1,1,2-tetrafluoroethane";

(d) for Schedule 2 (foods in which only certain permitted extraction solvents may be used and then only for certain purposes) there shall be substituted the content of the Schedule to these Regulations; and

(e) in Schedule 3 (maximum residues of extraction solvent permitted in foods due to the use in those foods of food consisting of flavourings prepared from natural flavouring materials by using those extraction solvents)—

(i) in Column 1 (extraction solvent) the entry "Methyl-propan-1-ol" shall be omitted together with the corresponding entry in Column 2 (maximum residue); and

(ii) there shall be inserted at the end in Column 1 the entry "1,1,1,2-tetrafluoroethane" and in Column 2 the entry "0.02 mg/kg".

Sealed with the Official Seal of the Department of Health and Social Services on

30th September 1998.

W. B. Smith
Assistant Secretary