STATUTORY RULES OF NORTHERN IRELAND

1998 No. 55

FOOD

Spreadable Fats (Marketing Standards) (Amendment) Regulations (Northern Ireland) 1998

Made - - - - 27th February 1998

Coming into operation 6th April 1998

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(2), 25(1) 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 appeared to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Spreadable Fats (Marketing Standards) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 6th April 1998.

(2) In these Regulations "the principal Regulations" means the Spreadable Fats (Marketing Standards) Regulations (Northern Ireland) 1996(**2**).

Amendment of the principal Regulations

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

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) there shall be inserted before the definition of "Community provision" the following definition—

""the Commission Regulation" means Commission Regulation (EC) No. 577/97 laying down certain detailed rules for the application of the Council Regulation and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(**3**), as amended

(**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. 1996 No. 47

(**3**) O.J. No. L87, 2.4.97, p. 3

by Commission Regulation (EC) No. 1278/97(**4**) and Commission Regulation (EC) No. 2181/97(**5**);";

(ii) there shall be substituted for the definition of "Community provision" the following definition—

""Community provision" means a provision of the Council Regulation or the Commission Regulation which is referred to in column 1 of Schedule 1, as read with any supplementary provision referred to in column 2 thereof opposite the reference in column 1;";

(b) in paragraph (2) there shall be inserted at the end "and the Commission Regulation".

4. In regulation 3(1) (exemptions)—

(a) for "Subject to paragraph (2), in the absence of" there shall be substituted "Except where paragraph (2) applies, unless and until there is";

(b) after "the Council Regulation" there shall be inserted "and the Commission Regulation".

5. In regulation 7 (defence in relation to exports)—

(a) for "under these Regulations" there shall be substituted "under regulation 6(*b*)";

(b) in paragraph (*b*), after "Regulation" in both places where it occurs there shall be inserted "and the Commission Regulation".

6. There shall be substituted for regulation 8 (application of provisions of the Order) the following regulation—

"**Application of provisions of the Order**

8.—(1) 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;

(e) Article 21 (defence of publication in the course of a business);

(f) Article 30(8) (which relates to documentary evidence);

(g) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2).

(2) 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 including a reference to the Community provisions—

(a) Article 33 (powers of entry);

(b) Article 34 (obstruction etc. of officers).".

7. There shall be substituted for Schedule 1 (Community provisions) the Schedule to these Regulations.

(**4**) O.J. No. L175, 3.7.97, p. 6
(**5**) O.J. No. L299, 4.11.97, p. 1