STATUTORY RULES OF NORTHERN IRELAND

1998 No. 24

FOOD

Bread and Flour Regulations (Northern Ireland) 1998

Made - - - -	*28th January 1998*
Coming into operation	*9th March 1998*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 17(1)(*c*), 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 these Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Bread and Flour Regulations (Northern Ireland) 1998 and shall come into operation on 9th March 1998.

Interpretation

2. In these Regulations—

"bread" means a food of any size, shape or form which—

(a) is usually known as bread, and

(b) consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked,

but does not include buns, bunloaves, chapattis, chollas, pitta bread, potato bread or bread specially prepared for coeliac sufferers;

"EEA Agreement" means the Agreement on the European Economic Area(**2**) signed at Oporto on 2nd May 1992, as adjusted by the Protocol(**3**) signed at Brussels on 17th March 1993;

"EEA State" means a State which is a Contracting Party to the EEA Agreement;

(**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 "regulations" and "the Department concerned"

(**2**) O.J. No. L1, 3.1.94, p. 1

(**3**) O.J. No. L1, 3.1.94, p. 571

"enzyme preparation" means any food additive which consists of one or more enzymes with or without the addition of supplementary material to facilitate the storage, sale, standardisation, dilution or dissolution of the enzyme or enzymes;

"flour" means the product which is derived from, or separated during, the milling or grinding of cleaned cereal whether or not the cereal has been malted or subjected to any other process, and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germ, semolina or grits;

"flour bleaching agent" means any food additive primarily used to remove colour from flour;

"flour treatment agent" means any food additive, other than an enzyme preparation, which is added to flour or dough to improve its baking quality;

"flour additive" has the meaning assigned to it by the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(**4**);

"ingredient" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996(**5**);

"labelling" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996;

"member State" means a member State of the European Community;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"sell" includes offer or expose for sale and includes have in possession for sale.

Exemptions

3.—(1) These Regulations, except insofar as they relate to advertising, shall not apply to any food which is not intended for sale for human consumption.

(2) These Regulations shall not apply in respect of—

(a) any bread brought into Northern Ireland from an EEA State in which it was lawfully produced and sold;

(b) any flour brought into Northern Ireland from a member State in which it was lawfully produced and sold;

(c) any bread or flour lawfully produced in another member State and brought into Northern Ireland from a member State in which it was lawfully sold;

(d) any bread or flour lawfully produced outside the European Community and brought into Northern Ireland from a member State in which it was in free circulation and lawfully sold,

which is suitably labelled to give the nature of the bread or flour.

(3) For the purposes of paragraph (2), "free circulation" has the same meaning as in Article 9.2 of the Treaty establishing the European Community.

Composition of flour

4.—(1) Subject to paragraph (2), flour derived from wheat and from no other cereal, whether or not mixed with other flour, shall contain the substances specified in column 1 of Schedule 1 in accordance with the proportions and conditions prescribed in column 2 of that Schedule and with Schedule 2.

(2) The requirements specified for item 1 in column 2 of Schedule 1 shall not apply in the case of—

(**4**) S.R. 1996 No. 50; to which there are amendments not relevant to these Regulations.
(**5**) S.R. 1996 No. 383

(a) wholemeal flour;

(b) self raising flour which has a calcium content of not less than 0.2 per cent, and

(c) wheat malt flour.

(3) The substances specified in items 2 to 4 of Schedule 1 shall, in the case of—

(a) wholemeal flour, be naturally present in the quantities specified in column 2 of that Schedule, and not added;

(b) flour other than wholemeal, be added were such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.

(4) Subject to paragraph (5)—

(a) no manufacturer of flour shall sell any flour which does not comply with this regulation; and

(b) no importer of flour shall—

(i) import into Northern Ireland any flour; or

(ii) sell any flour imported by him,

which does not comply with this regulation.

(5) Paragraph (4) shall not apply as respects any sale or importation into Northern Ireland of flour for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the substances referred to in Schedule 1.

Additional ingredients

5.—(1) Subject to paragraph (2), no person shall use as an ingredient in the preparation of flour or bread any flour bleaching agent other than a flour bleaching agent or flour treatment agent specified in an entry in column 1 of Schedule 3.

(2) No person shall use as an ingredient in the preparation of flour or bread any flour bleaching agent or flour treatment agent specified in an entry in column 1 of Schedule 3 unless—

(a) the flour or bread is of a type specified in the related entry in column 2 of that Schedule; and

(b) the quantity of the flour bleaching agent or flour treatment agent used in the flour or bread does not exceed the maximum quantity specified in the related entry in column 3 of that Schedule.

(3) Notwithstanding regulation 17 of the Food Labelling Regulations (Northern Ireland) 1996, where a flour treatment agent has been used as an ingredient of any bread an indication of the presence of flour treatment agent shall appear—

(a) in the list of ingredients of the bread as prescribed in regulation 14 of the said Regulations, where the bread is marked or labelled with a list of ingredients; or

(b) on a label, ticket or notice as prescribed by regulation 36 of the said Regulations, where by virtue of regulation 23 of the said Regulations the bread is not marked or labelled with its ingredients.

Restrictions on the use of 'wholemeal' and 'wheat germ'

6.—(1) There shall not be used in the labelling or advertising of bread, as part of the name of the bread, whether or not qualified by other words—

(a) 'wholemeal', unless all the flour used as an ingredient in the preparation of the bread is wholemeal;

(b) 'wheat germ', unless the bread has an added processed wheat germ content of not less than 10 per cent calculated on the dry matter of the bread.

(2) No person shall sell or advertise for sale any bread in contravention of this regulation.

Offences and penalties

7. If any person contravenes regulation 4(4), 5 or 6(2) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Enforcement

8. Each district council shall enforce and execute these Regulations within its district.

Defence in relation to exports

9. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation.

Application of various provisions of the Order

10. The following provisions of the Order shall apply to the purposes of these Regulations and any reference in them to the Order shall be construed 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 of the Order;

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

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

(g) Article 34 (obstruction, etc., of officers);

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

Amendments

11. In the Food Labelling Regulations (Northern Ireland) 1996 in paragraph (1) of regulation 2 (interpretation) in the definition of "the Bread and Flour Regulations" for "1996" there shall be substituted "1998".

Revocations

12. The Regulations specified in column 1 of Schedule 4 are hereby revoked to the extent specified in column 3 of that Schedule.

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

L.S.
28th January 1998.

J. R. Kearney
Assistant Secretary