STATUTORY RULES OF NORTHERN IRELAND

1997 No. 340

FOOD

Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*23rd July 1997*
Coming into operation	*8th September 1997*

The Department of Health and Social Services and the Department of Agriculture being the Departments concerned(**1**) in exercise of the powers conferred on them by Articles 15(1)(*a*), 16(1), 17(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 them in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 8th September 1997.

(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 10.

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

(a) in the definition of "Directive 95/2/EC" there shall be inserted at the end ", as amended by European Parliament and Council Directive 96/85/EC(**4**)";

(b) after the definition of "Directive 95/2/EC" there shall be inserted—

(**1**) *See* Article 2(2) of S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) for the definitions of "the Department concerned" and "regulations" and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions

(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)

(**3**) S.R. 1996 No. 50

(**4**) O.J. No. L86, 28.3.97, p. 4

""Directive 96/77/EC" means Commission Directive 96/77/EC(**5**) laying down specific purity criteria on food additives other than colours and sweeteners;";

(c) for the definition of "purity criteria" there shall be substituted—

""purity criteria", in relation to a miscellaneous additive, means—

(a) in the case of a miscellaneous additive for which purity criteria are set out in the Annex to Directive 96/77/EC, those purity criteria;

(b) in any other case, the purity criteria (if any) specified or referred to in Schedule 5;".

4. For paragraph (1) of regulation 4 (use of miscellaneous additives in or on compound foods) there shall be substituted—

"(1) Subject to paragraphs (3) and (4), where a permitted miscellaneous additive is present in or on a compound food and that compound food contains, as an ingredient, a food in or on which that miscellaneous additive was or could have been used without contravening any of the provisions of paragraphs (2) to (5) or (7) of regulation 3, that miscellaneous additive shall for the purposes of those paragraphs be deemed to have been used in or on that compound food without contravening any of the provisions of those paragraphs.".

5. In paragraph (*b*) of regulation 8 (defence in relation to exports) for "and Directive 95/2/EC" there shall be substituted ", Directive 95/2/EC and Directive 96/77/EC".

6. In regulation 9 (application of various provisions of the Order), after paragraph (*g*) there shall be inserted—

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

7. In regulation 11 (transitional provisions and exemptions)—

(a) after paragraph (1) there shall be inserted—

"(1A) In any proceedings for an offence against 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 1st July 1997, and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(*b*) and (*c*), 5 and 10 of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997 had not been made when the food additive or, as the case may be, the food was put on the market or labelled.";

(b) for paragraph (2) there shall be substituted—

"(2) These Regulations shall not apply in respect of any food additive or, as the case may be, food which is brought into Northern Ireland having been lawfully put on the market or labelled in another member State before 1st July 1997.";

(c) in paragraph (3)(*a*), "on or after 1st July 1997" shall be omitted;

(d) in paragraph (4), for "paragraphs (2) and (3)" there shall be substituted "paragraph (3)".

8. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8) there shall be inserted after the entry relating to "E 407 Carrageenan" the following entry—

(**5**) O.J. No. L339, 30.12.96, p. 1

"E 407a	Processed eucheuma seaweed".

9. In Schedule 3 (other permitted miscellaneous additives), at the end there shall be substituted for the entries relating to propane, butane, and iso-butane the following entries—

"Propane(**6**) Butane(**6**) Iso-Butane(**6**)	Garlic flavoured oil spray for producing garlic bread and pizza Vegetable oil pan spray for professional use only Water-based emulsion sprays	*quantum satis".*

10. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

Amendment of the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977

11. In the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977(**7**), in the proviso to regulation 11(1) (permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar) for sub-paragraph (*a*) there shall be substituted:—

"(a) any such food may contain any permitted miscellaneous additive, so however that no fruit juice shall contain both added sugar and added acid;".

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

L.S.
23rd July 1997.

D. A. Baker
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on

L.S.
23rd July 1997.

Liam McKibben
Assistant Secretary

(**6**) Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC.
(**6**) Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC.
(**6**) Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC.
(**7**) S.R. 1977 No. 182; relevant amending Regulations are S.R. 1983 No. 48 and S.R. 1996 No. 50