STATUTORY RULES OF NORTHERN IRELAND

1997 No. 338

FOOD

Contaminants in Food Regulations (Northern Ireland) 1997

Made - - - -	*22nd July 1997*
Coming into operation	*8th September 1997*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*a*) and (*f*), 16(2), 25(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 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 and commencement

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

Interpretation

2.—(1) In these Regulations—

"the Commission Regulation" means Commission Regulation (EC) No. 194/97 setting maximum levels for certain contaminants in foodstuffs(**2**);

"EEA Agreement" means the Agreement on the European Economic Area(**3**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**4**) signed at Brussels on 17th March 1993;

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

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

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

(2) Other expressions used in these Regulations have the same meaning as in the Commission Regulation and any reference in these Regulations to a numbered Article shall be construed as a reference to the Article so numbered in the Commission Regulation.

(**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**) O.J. No. L31, 1.2.97, p. 48
(**3**) O.J. No. L1, 3.1.94, p. 1
(**4**) O.J. No. L1, 3.1.94, p. 571

Offences and penalties

3.—(1) If any person contravenes Article 2.1 he shall, save where the placing on the market is of authorised lettuce or spinach, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) For the purposes of this regulation, "authorised lettuce or spinach" means lettuce or spinach, as appropriate, in point 1.1 of Part 1 of the Annex to the Commission Regulation which is grown in the United Kingdom in accordance with the proviso to Article 2.2 and intended for consumption in the United Kingdom.

Enforcement

4. Each district council shall, within its area, enforce and execute the provisions of the Commission Regulation and these Regulations.

Defence in relation to exports

5. In any proceedings for an offence under regulation 3 it shall be a defence for the person charged to prove—

(a) that the food specified in Annex 1 to the Commission Regulation 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 it complies with that legislation; and

(b) in the case of intended export to an EEA State which is not a member State, that the legislation complies with the Commission Regulation where there is a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend it to refer to the Commission Regulation.

Application of provisions of the Order

6.—(1) The following provisions of the Order shall apply for the purposes of these Regulations which application shall, in the case of Article 20, be as that Article applies for the purposes of Articles 7, 13, or 14 of the Order and any reference in them to the Order shall be construed as a reference to these Regulations—

(a) Article 19 (offences due to fault of another person);

(b) Article 20 (defence of due diligence);

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

(d) 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 Articles to the Order or to the execution of the Order shall, for the purposes of these Regulations, be construed as including a reference to, respectively, Article 2.1 and the execution of the provisions of the Commission Regulation and these Regulations—

(a) Article 33 (powers of entry); and

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