STATUTORY RULES OF NORTHERN IRELAND

1997 No. 257

FOOD

Sweeteners in Food (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*28th May 1997*
Coming into operation	*7th July 1997*

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

1.—(1) These Regulations may be cited as the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 7th July 1997.

(2) In these Regulations "the principal Regulations" means the Sweeteners in Food Regulations (Northern Ireland) 1996(**2**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (*a*) to (*f*)—

(a) in paragraph (1) of regulation 2 (interpretation)—

(i) in the definition of "Directive 94/35/EC" after "foodstuffs" there shall be inserted ", as amended by Directive 96/83/EC of the European Parliament and of the Council(**3**)";

(ii) after the definition of "permitted sweetener" there shall be inserted—

" "relevant compound foods" means compound foods with no added sugar or energy-reduced, compound dietary foods intended for a low-calorie diet and compound foods with a long shelf-life;";

(b) in regulation 3 (sale and use of sweeteners)—

(**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. 48

(**3**) O.J. No. L48, 19.2.97, p. 16

(i) in paragraphs (2) and (3), after "paragraph (3)" and "paragraph (4)" respectively, there shall be inserted "and regulation 5A";

(ii) in paragraph (4) after "uses" there shall be inserted "(including any food for infants and young children not in good health)";

(c) at the beginning of regulation 5 (sale of food containing sweeteners) there shall be inserted "Subject to regulation 5A,";

(d) after regulation 5 there shall be inserted—

"**Compound foods**

5A.—(1) Where a permitted sweetener is present in or on a relevant compound food and that relevant compound food contains, as an ingredient, a food in or on which that sweetener was or could have been used without contravening any of the provisions of paragraph (2) or (3) of regulation 3, that sweetener shall, for the purposes of those paragraphs and regulation 5, be deemed to have been used in or on that relevant compound food without contravening any of the provisions of those paragraphs.

(2) The use in or on a food of any permitted sweetener shall not constitute a contravention of paragraph (2) or (3) of regulation 3 if that food is destined to be used solely in the preparation of a compound food which complies with those paragraphs and sale of the food in or on which the permitted sweetener was used shall not constitute a contravention of regulation 5.";

(e) in regulation 11 (transitional provision and exemption)—

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

"(1A) In any proceedings for an offence under these Regulations which allege a contravention of regulation 3(1), 4 or 5 it shall be a defence to prove that—

(a) the act—

(i) was committed before 19th June 1998, or

(ii) was that of selling a sweetener or food which, in either case, was put on the market or labelled before 19th June 1998; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 1997 had not been made when the act was committed or, as the case may be, the food was put on the market or labelled.";

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

"(2) These Regulations shall not apply in respect of any sweetener 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 30th June 1996."; and

(iii) paragraph (3) shall be deleted; and

(f) the contents of the Schedule to these Regulations shall be substituted for Schedule 1.

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

28th May 1997. *J. R. Kearney*
Assistant Secretary

SCHEDULE Regulation 2(*f*)

"SCHEDULE 1 Regulations 2(1) and (3) and 3(3)

Permitted sweeteners and the foods in or on which they may be used

Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		Desserts and similar products	*quantum satis*
		— water-based flavoured desserts, energy-reduced or with no added sugar	
		— Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	
E 420	Sorbitol (i) Sorbitol (ii) Sorbitol syrup	— Fruit- and vegetable-based desserts, energy-reduced or with no added sugar	
E 421	Mannitol	— Egg-based desserts, energy-reduced or with no added sugar	
E 953	Isomalt	— Cereal-based desserts, energy-reduced or with no added sugar	
E 965	Maltitol (i) Maltitol (ii) Maltitol syrup	— Breakfast cereals or cereal-based products, energy reduced or with no added sugar	
E 966	Lactitol	— Fat-based desserts, energy-reduced or with no added sugar	
E 967	Xylitol	— Edible ices, energy reduced or with no added sugar	
		— Jams, jellies, marmalades and crystallized fruit, energy-reduced or with no added sugar	

Column 1 EC No.	Column 2 Permitted sweetener	Column 3 Foods in or on which permitted sweeteners may be used	Column 4 Maximum usable dose
		— Fruit preparations, energy-reduced or with no added sugar, with the exception of those intended for the manufacture of fruit-juice-based drinks	
		Confectionery	
		— Confectionery with no added sugar	
		— Dried-fruit-based confectionery, energy-reduced or with no added sugar	
		— Starch-based confectionery, energy-reduced or with no added sugar	
		— Chewing gum with no added sugar	
		Miscellaneous	
E 420		— Cocoa-based products, energy-reduced or with no added sugar	
E 421		— Cocoa-, milk-, dried fruit - or fat-based sandwich spreads, energy-reduced or with no added sugar	
E 953			
E 965		— Sauces	
E 966		— Mustard	
E 967 (cont'd)		— Fine bakery products, energy-reduced or with no added sugar	
		— Products intended for particular nutritional uses	