1995 No. 107

FOOD

The Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 1995

Made	*21st March 1995*
Coming into operation . .	*1st May 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 15(2), 16(1), 25(1)(*a*) and (3), 26(3), 32 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and being a designated Department(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to materials and articles in contact with food or drink or intended for such contact, in exercise of the powers conferred on it by the said section 2(2) 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 (in so far as the Regulations are made in exercise of the powers conferred by the said Order), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995.

(2) In these Regulations "the principal Regulations" means the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1993(**d**).

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

2. The principal Regulations shall be amended as follows—

(*a*) in regulation 4(4)(*b*)(i), for "of not less than 500 millilitres and not more than 10 litres" there shall be substituted "of less than 500 millilitres or more than 10 litres";

(**a**) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

(**b**) S.I. 1976/2141

(**c**) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)

(**d**) S.R. 1993 No. 173

(**e**) 1954 c. 33 (N.I.)

(*b*) in regulation 4(6), for "regulation 3 comprising" there shall be substituted "these Regulations, where it is alleged that the commission of the offence is due to";

(*c*) in the heading above regulation 11, for "Transitional provision" there shall be substituted "Use, sale and importation until 1st April 1995";

(*d*) after regulation 11 there shall be inserted—

"*Use, sale and importation until 1st April 1996*

12. Until 1st April 1996 a plastic material or article which has been manufactured using one or more of the monomers identified by PM/REF No. (if any), CAS No. (if any) and name respectively in columns 1, 2, 3 of Section D of Part I of Schedule 1—

(*a*) may be used in the course of a business in connection with the storage, preparation, packaging, sale or serving of food for human consumption,

(*b*) may be sold for the purpose of its being used in connection with the storage, preparation, packaging, sale or serving of food for human consumption, or

(*c*) may be imported for the purpose of its being used in connection with the storage, preparation, packaging, sale or serving of food for human consumption,

provided that such monomer is of good technical quality and is used in accordance with the restrictions (if any) specified in the corresponding entry in column 4 thereof.";

(*e*) the Item number and letter, PM/REF No., CAS No., name and restriction (if any) for each monomer identified in Schedule 1 to these Regulations shall be inserted at the appropriate numerical point in Section A of Part I of Schedule 1;

(*f*) for the entry in column 4 (Restrictions) of Section A of Part 1 of Schedule 1, opposite and corresponding to item 26, there shall be substituted "The specific migration of this substance shall not exceed 5 mg/kg.";

(*g*) the contents of Schedule 2 to these Regulations shall be substituted for Section B of Part I of Schedule 1;

(*h*) the contents of Schedule 3 to these Regulations shall be inserted after Section C of Part I of Schedule 1;

(*i*) after paragraph 4(2) of Section A of Part I of Schedule 2 there shall be inserted—

"(3) The verification of compliance with a migration limit using food shall be carried out under the most extreme conditions of time and temperature foreseeable in actual use in accordance with the provisions of this Schedule.

(4) The verification of compliance with a migration limit using a simulant or simulants shall be carried out in accordance with the provisions of this Schedule using the simulant or simulants and the

migration test conditions which are considered to be the most severe on the basis of experience.'';

(*j*) in paragraph 1 of Part II of Schedule 2, in relation to Simulant D, after ''sunflower oil.'', there shall be inserted ''If rectified olive oil, a mixture of synthetic trigylcerides or sunflower oil is not appropriate, other food simulants and conditions of time and temperature may be used.'';

(*k*) for paragraph 1 of Part III of Schedule 2 there shall be substituted—

''1.—(1) Subject to paragraph (2), the migration testing of a plastic material or article which may come into contact with any food shall be carried out using one or more of the simulants specified in Part II.

(2) Simulant A shall not be used in migration testing of a plastic material or article which may come into contact with any food other than where its use is specified in the Table to Part IV.

(3) Subject to regulations 3(1) and 4(5), the migration testing of a plastic material or article which may come into contact only with a specific food or a specific group of foods shall be carried out—

(*a*) where the specific food or specific group of foods is specified in the Table to this Part, using the simulant or simulants specified in relation to that specific food or specific group of foods; or

(*b*) where the specific food or specific group of foods is not specified in that Table, using the simulant or simulants which correspond most closely in extractive capacity to that food or group of foods.

(4) A simulant is specified in relation to a specific food or a specific group of foods for the purposes of this paragraph where 'X' is placed in the column headed by that simulant opposite that specific food or specific group of foods in the Table to this Part, and the Table shall be read in conjunction with the notes thereto and the following paragraphs of this Part;

(5) Where more than one simulant is to be used in relation to a migration test, a new sample of the plastic material or article shall be used for each such test.'';

(*l*) in paragraph 1 of Part IV of Schedule 2, for ''paragraph 2'' there shall be substituted ''paragraphs 2 and 2A'';

(*m*) in paragraph 1(*a*) of Part IV of Schedule 2, after ''most closely to'' there shall be inserted ''but which are not less than'';

(*n*) for sub-paragraphs (*b*) and (*c*) of paragraph 1 of Part IV of Schedule 2 there shall be substituted—

''(*b*) subject to sub-paragraph (*d*), where the intended use of a plastic material or article covers two or more combinations of time and temperature specified in column 1 of the Table to this Part, capability of migration shall be determined by subjecting that plastic material or article successively to each applicable test

condition specified in column 2 using the same aliquot of simulant;

(*c*) subject to sub-paragraph (*d*), where a plastic material or article is intended to be used under any conditions of time—

(i) if that plastic material or article may be used at any temperature not exceeding 70°C and such use is indicated by appropriate labelling or instructions, the 10 day test at 40°C shall be carried out;

(ii) if that plastic material or article may be used at a temperature exceeding 70°C and no labelling or instructions indicate the temperature expected in actual use, simulant D shall be used for 2 hours at 175°C and simulants B and C shall be used either—

(*aa*) at reflux temperature; or

(*bb*) for two hours at 100°C;

(iii) if that plastic material or article may be used at a temperature exceeding 70°C and labelling or instructions indicate conditions expected in actual use, times and temperatures shall be selected from the Table to this Part,'';

(*o*) after sub-paragraph (*c*) of paragraph 1 of Part IV of Schedule 2 there shall be inserted—

"(*d*) where a plastic material or article is intended to be used for periods of less than 15 minutes at temperatures of not less than 70°C and not more than 100°C and this is indicated by labelling or instructions, the 2 hour test at 70°C and the 10 day test at 40°C shall be carried out separately using a different sample of the plastic material or article for each test.'';

(*p*) after paragraph 2 of Part IV of Schedule 2 there shall be inserted—

"2A. Migration testing of plastic materials and articles intended for use in a microwave oven shall be carried out using a conventional oven selecting appropriate time and temperature conditions from the Table to this Part.'';

(*q*) the Table in Schedule 4 to these Regulations shall be substituted for the Table in Part IV of Schedule 2.

Amendment of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991

3. At the end of Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991(**a**) (provisions to which those Regulations do not apply) there shall be added in the left hand column the title of the principal Regulations and against it in the right hand column their reference.

(a) S.R. 1991 No. 198; the relevant amending Regulations are S.R. 1992 No. 39

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1995.

(L.S.) *D. A. Baker*
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