STATUTORY RULES OF NORTHERN IRELAND

1995 No. 105

FOOD

Spirit Drinks (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 Article 16(2) of the Food Safety (Northern Ireland) Order 1991(**1**), and being a designated Department(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to the description of and other requirements relating to spirit drinks, in exercise of the powers conferred on it by the said section 2(2) (as read with section 3(3) of the European Economic Area Act 1993(**4**) (save for paragraph (a) thereof)), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Spirit Drinks (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st May 1995.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Spirit Drinks Regulations (Northern Ireland) 1990

2.—(1) The Spirit Drinks Regulations (Northern Ireland) 1990(**6**) ("the principal Regulations") shall be amended in accordance with paragraphs (2) to (6).

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

(a) before the definition of "the Council Regulation" there shall be inserted—

> ""the Commission Regulation" means Commission Regulation (EEC) No. 1014/90 laying down detailed implementing rules on the definition, description and presentation of spirit drinks(**7**), as amended by Commission Regulation

(**1**) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definition of "regulations" and "the Department concerned"
(**2**) S.I. 1989/1327
(**3**) 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)
(**4**) 1993 c. 51
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 1990 No. 219; the relevant amending Regulations are S.R. 1991 No. 203
(**7**) O.J. No. L105, 25.4.90, p. 9

(EEC) No. 1180/91(**8**), Commission Regulation (EEC) No. 1781/91(**9**), Commission Regulation (EEC) No. 3458/92(**10**), Commission Regulation (EC) No. 2675/94(**11**) (as corrected at O.J. No. L28, 7.2.95, p. 14) and Chapter XXVII of Annex II to the European Economic Area Agreement;";

(b) for the definition of "the Council Regulation" there shall be substituted—

""the Council Regulation" means Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, description and presentation of spirit drinks(**12**) (as corrected at O.J. No. L223, 2.8.89, p. 27), as amended by Council Regulation (EEC) No. 3280/92(**13**) and Chapter XXVII of Annex II to the European Economic Area Agreement;";

(c) after the definition of "the Council Regulation" there shall be inserted—

""the European Economic Area Agreement" has the same meaning as "the Agreement" in section 6(1) of the European Economic Area Act 1993(**14**);"; and

(d) for the definition of "specified Community provision" there shall be substituted—

""specified Community provision" means—

(a) any provision of the Council Regulation—

(i) which is specified in column (1) of Part I of the Schedule, and

(ii) whose subject matter is specified in the corresponding entry in column (2) of that Part;

(b) any provision of the Commission Regulation—

(i) which is specified in column (1) of Part 11 of the Schedule, and

(ii) whose subject matter is specified in the corresponding entry in column 2 of that Part; and

(c) Article 1(1) of Commission Regulation (EC) No. 1267/94 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks(**15**).".

(3) For regulation 3, there shall be substituted—

"**Enforcement**

3. Each district council shall secure the enforcement and execution of the specified Community provisions within its district.".

(4) Regulation 4 (Powers of authorised officers) shall be revoked.

(5) In regulation 5(2) (Offences and penalties)—

(a) for "Article 1" there shall be substituted "Article 1(4)"; and

(b) after "beverages" there shall be inserted ", as amended by Commission Regulation (EEC) No. 1759/90(**16**), Commission Regulation (EEC) No. 3207/90(**17**) and Commission Regulation (EEC) No. 3750/90(**18**),".

(**8**) O.J. No. L115, 8.5.91, p. 5
(**9**) O.J. No. L160, 25.6.91, p. 5
(**10**) O.J. No. L350, 1.12.92, p. 59
(**11**) O.J. No. L285, 4.11.94, p. 5
(**12**) O.J. No. L160, 12.6.89, p. 1
(**13**) O.J. No. L327, 13.11.92, p. 3
(**14**) 1993, c. 51
(**15**) O.J. No. L138, 2.6.94, p. 7
(**16**) O.J. No. L162, 28.6.90, p. 23
(**17**) O.J. No. L307, 7.11.90, p. 11

(6) For the Schedule there shall be substituted the Schedule set out in the Schedule to these Regulations.

Exclusion of the operation of section 3(1) of the European Economic Area Act 1993

3. The operation of section 3(1) of the European Economic Area Act 1993 is hereby excluded insofar as it would otherwise apply in relation to the definition for which another is substituted by regulation 2(2)(b).

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

D. A. Baker
21st March 1995. Assistant Secretary

(**18**) O.J. No. L360, 22.12.90, p. 40