Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 251

FOOD

The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016

Made - - - -	*27th June 2016*
Coming into operation	*20th July 2016*

The Department of Health [F1] makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(1) and (2), 25(3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2] and paragraph 1A of Schedule 2 to the European Communities Act 1972 [F3].

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, that it is expedient for a reference to the provisions of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009[F4] specified in Regulation 2(2), to be construed as a reference to those provisions as amended from time to time.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EU) No 178/2002 [F5] of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

F1 Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), **section 1**

F2 S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), **paragraphs 26 to 42** of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R.2004 Nos.482 and 505

F3 1972 c.68. as amended by the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008(c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c.7)

F4 OJ No. L 181, 29.6.2013 p.35

F5 OJ No. L31, 1.2.2002, p1 last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14)

Citation and commencement

1. These Regulations may be cited as the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 and come into operation on 20th July 2016.

Interpretation

2.—(1) In these Regulations—

[[F6]"the Delegated Regulation" means Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes.**]**

[[F7]"the EU Regulation" means, subject to regulation to 2(2), Regulation (EU) No 609/2013 of the European Parliament and of the Council, on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 as last amended by Commission Delegated Regulation 2017/1091;**]**

[[F8]"food for special medical purposes" has the same meaning in these Regulations as in the EU Regulation;

"infant" means a child under the age of 12 months;**]**

"the Order" means the Food Safety (Northern Ireland) Order 1991; and

"specified EU requirement" means any provision of the EU Regulation **[**[F9]or the Delegated Regulation**]** specified in column 1 of Schedule 1.

(2) Any reference to Article 2(2) or to a specified EU requirement is a reference to that provision as amended from time to time.

(3) The Interpretation Act (Northern Ireland) 1954 [F10] applies to these Regulations as it applies to an Act of the Assembly

[[F11](4) Any reference to a provision of the Delegated Regulation contained in the table in Schedule 1 is a reference to that provision as amended from time to time.

(5) Any reference to the Delegated Regulation is a reference to the Delegated Regulation only insofar as it applies to food for special medical purposes other than that developed to satisfy the nutritional requirements of infants.**]**

F6 Words in reg. 2(1) inserted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **3(2)(a)(i)**

F7 Words in reg. 2(1) substituted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **33**

F8 Words in reg. 2(1) inserted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **3(2)(a)(ii)**

F9 Words in reg. 2(1) inserted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **3(2)(a)(iii)**

F10 1954 c.33(NI)

F11 Reg. 2(4)(5) inserted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **3(2)(b)**

Enforcement

3. It is the duty of each district council within its district to enforce these Regulations.

Offence and penalty

4. A person who fails to comply with Article 9(2) of the EU Regulation (substances in dangerous quantities) as read with Articles 1(1) and 4(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Order

5.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply, with the modification (in the case of Article 9(1)) specified in Part 1 of Schedule 2, for the purposes of enabling an improvement notice to be served on a person requiring that person to comply with a specified EU requirement and making the failure to comply with an improvement notice an offence.

(2) Article 33 of the Order (powers of entry) applies, with the modifications (in the case of Article 33(1)) specified in Part 1 of Schedule 2, for the purposes of enabling an authorised officer—

(a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a specified EU requirement;

(b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of a specified EU requirement; and

(c) when exercising a power of entry under the provisions of Article 33 as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(3) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Part 1 of Schedule 2, for the purpose of enabling a decision to serve a notice referred to in paragraph (1) to be appealed.

(4) The provisions of the Order specified in column 1 of the table in Part 2 of Schedule 2 apply, with the modifications specified in column 2 of that Part.

(5) Paragraphs (1) to (4) are without prejudice to the application of the Order to these Regulations for purposes other than those specified in those paragraphs.

(6) In this regulation "authorised officer" has the same meaning as in Article 2(2)(a) of the Order.

Amendments to Statutory Rules

6. Schedule 3 has effect.

Revocation

7. The following Regulations are revoked—

(a) the Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 [F12];

(b) Regulations 26 and 27 of the Infant Formula and Follow on Formula Regulations (Northern Ireland) 2007 [F13]; and

(c) The Food for Particular Nutritional Uses (Miscellaneous Amendments) Regulations (Northern Ireland) 2010 [F14].

F12 S.R. 2007 No.60
F13 S.R. 2007 No.506

F14 S.R. 2010 No.33

[F15Transitional Arrangements

8. Food for special medical purposes, other than that developed to satisfy the nutritional requirements of infants, that does not comply with the specified provisions of the Delegated Regulation may continue to be marketed until stocks of such food are exhausted provided:

(a) it complies with the specified provisions of the EU Regulation;

(b) it was placed on the market or labelled before 22 February 2019; and

(c) the requirements of regulation 3(1) and (2) of the Medical Food Regulations (Northern Ireland) 2000 are met.**]**

F15 Reg. 8 inserted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **3(3)**

Sealed with the official seal of the Department of Health on 27th June 2016.

L.S.

Julie Thompson
A senior officer of the
Department of Health

SCHEDULE 1

Regulation 2(1)

Specified EU requirements

[F16Column 1 Specified provision of the EU Regulation	***Column 2 Provisions to be read with the specified provision of the EU Regulation***
Article 4(2) (requirement for relevant food to be pre-packed)	Articles 1(1) and 4(1)
Article 9(1) (requirement for the composition of food to be nutritionally appropriate and suitable)	Articles 1(1), 4(1) and 9(3)
Article 9(2) (prohibition on substances in dangerous quantities)	Articles 1(1) and 4(1)
Article 9(5) (requirements as to labelling, presentation and advertising of relevant food)	Articles 1(1), 4(1) and 9(6)
Article 10 (additional requirements for infant formula and follow-on formula)	Article 4(1)
Article 15(1) (Union list)	Articles 1(1)(c),4(1) and the Annex insofar as it applies to food for special medical purposes
Specified provision of the Delegated Regulation	***Provisions to be read with the specified provision of the Delegated Regulation***
Article 2(2) (requirement for the formulation of food to be based on sound medical and nutritional principles)	Article 1
The second paragraph of Article 2(3) (food to comply with compositional requirements in Part B of Annex 1)	Articles 1, and 2(4), and Part B of Annex 1
Article 3(2) (requirement relating to residue levels) insofar as it applies to young children rather than infants	Articles 1 and 3(1), (3) and (5) and Annex 2
Article 3(4) (prohibition on the use of plant protection products) insofar as it applies to young children rather than infants	Articles 1 and 3(1) and (5) and Annex 3
Article 4 (name of the food)	Article 1 and Annex 4
Article 5(2) (specific requirements on food information)	Articles 1, and 5(1), and (3)
Article 6 (specific requirements on the nutrition declaration)	Article 1 and Part B of Annex 1
Article 7 (nutrition and health claims)	Article 1
Article 9 (notification requirement)	Article 1**]**

F16 Sch. 1 table substituted (22.2.2019) by The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/9), regs. 1, **4**