1994 No. 425

FOOD

The Preserved Tuna and Bonito (Marketing Standards) Regulations (Northern Ireland) 1994

Made . . . . . *28th October 1994*

Coming into operation . . *1st December 1994*

The Department of Health and Social Services in exercise of the powers conferred on it by Article 16(2) of the Food Safety (Northern Ireland) Order 1991(**a**) 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 Preserved Tuna and Bonito (Marketing Standards) Regulations (Northern Ireland) 1994 and shall come into operation on 1st December 1994.

(2) In these Regulations—

"the Council Regulation" means Council Regulation (EEC) No. 1536/92 laying down common marketing standards for preserved tuna and bonito(**b**);

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

"specified Community provision" means a provision of the Council Regulation specified in column 1 of the Schedule, the subject matter of which is described in column 2.

(3) Other expressions used in these Regulations have the same meaning as in the Council Regulation.

Enforcement

2. Each district council is hereby designated an enforcement authority for the purposes of the Council Regulation and shall secure the enforcement and execution of the specified Community provisions within its district.

Offences and penalties

3.—(1) Subject to paragraph (2), any person who contravenes a specified Community provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

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

(b) O.J. No. L163, 17.6.92, p. 1

(2) Paragraph (1) shall not apply in any case to which Article 5(3), 9(2) or (3) (which contain derogations and transitional provisions) of the Council Regulation applies.

Application of various Articles of the Order

4. The following provisions of the Order shall apply for the purposes of these Regulations as they apply 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 2(4) and (3) (extended meaning of 'sale' etc);

(*b*) Article 4 (presumptions that food intended for human consumption);

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

(*d*) Article 20 (defence of due diligence);

(*e*) Article 30(8) (which relates to documentary evidence);

(*f*) Article 34 (obstruction etc of officers).

Amendment of the Food Labelling Regulations (Northern Ireland) 1984

5. In the Food Labelling Regulations (Northern Ireland) 1984(**a**), in Schedule 1 (names prescribed by law)—

(*a*) in paragraph 1(1), for "sub-paragraph (2)" there shall be substituted "sub-paragraphs (2) and (4)";

(*b*) after paragraph 1(3) there shall be inserted—

"(4) Sub-paragraph (1), as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No. 1536/92.".

Sealed with the Official Seal of the Department of Health and Social Services on 28th October 1994.

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

(a) S.R. 1984 No. 407, the relevant amending Regulations are S.R. 1992 No. 463