1992 No. 417

FOOD

The Food Additives Labelling Regulations (Northern Ireland) 1992

Made . . . . . *28th September 1992*

Coming into operation . . *3rd November 1992*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 15(1)(*e*), 25(1)(*a*) and (3), 26(3) 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 the presentation and packaging of food intended for sale for human consumption, in exercise (so far as is required for the amendment of Regulations made under the said section 2(2)) 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 Food Additives Labelling Regulations (Northern Ireland) 1992 and shall come into operation on 3rd November 1992.

(2) In these Regulations—

"container", in relation to food additives, has the same meaning as in the Order, except that it also includes a vehicle in which those food additives, not being in any other container, are placed;

"food" has the same meaning as in the Order, except that it is limited to food intended for sale for human consumption;

"food additive" means such food as comprises material (with or without nutritive value)—

(*a*) which is within a category (or more than one category) listed in Part I, as supplemented by Part II, of Schedule 1,

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

(b) Designated by S.I. 1981/833

(c) 1972 c. 68

(*b*) which is neither normally consumed as a food in itself nor normally used as a characteristic ingredient of food,

(*c*) which is not within a category (or more than one category) listed in Schedule 2, and

(*d*) the intentional addition of which to other food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of that other food results, or may be reasonably expected to result, in that material or its by-products becoming directly or indirectly a component of that other food;

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

"sell" includes offer or expose for sale or have in possession for sale and, in relation to food additives—

(*a*) "consumer sale" means a sale of them—

(i) to the ultimate consumer, or

(ii) in a container in which they are ready for delivery to the ultimate consumer, and

(*a*) "business sale" means a sale of them other than a consumer sale;

"supplementary material" means, in relation to a food additive, material (whether or not it comes within a category, or more than one category, listed in Schedule 2) the presence of which in or on the food additive may reasonably be expected to facilitate storage, sale, standardisation, dilution or dissolution of the food additive; and

"ultimate consumer" has the meaning which it has in the Food Labelling Regulations (Northern Ireland) 1984(**a**).

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

Exemption

2.—(1) The provisions of these Regulations shall not apply to any food additive once it has become part of other food.

(2) For the purposes of paragraph (1) a food additive becomes part of other food when it is added to other food which comprises or contains material other than food additives, but the addition of supplementary material to a food additive shall not of itself cause that food additive to become part of other food for those purposes.

Sale and labelling of food additives

3.—(1) No person shall make a business sale of any food additives to any person for use as ingredients in the preparation of food unless the food additives are in a container and the requirements for business sales of food additives are observed in relation to that sale.

(**a**) S.R. 1984 No. 407: the relevant amending Regulations are S.R. 1991 No. 203 and S.R. 1992 No. 416
(**b**) 1954 c. 33 (N.I.)

(2) No person shall make a consumer sale of food additives to any person unless they are in a container and the requirements for consumer sales of food additives are observed in relation to that sale.

(3) Schedule 3 shall have effect for the purposes of establishing when the requirements for any sale to which this regulation applies are observed in relation to that sale.

Penalties and enforcement

4.—(1) If any person contravenes any of the foregoing provisions of these Regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.

(2) Each district council shall enforce and execute the provisions of these Regulations within its district.

Defence in relation to exports

5. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food additive in respect of which the offence is alleged to have been committed was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence.

Application of various provisions of the Order

6. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Article 13 or 14 of the Order and, unless the context otherwise requires, any reference in them to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations—

(*a*) Articles 2(4) and 3 (extended meaning of ''sale'' etc.);

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

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

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

(*e*) Article 21 (defence of publication in the course of business);

(*f*) Article 30(8) (which relates to documentary evidence).

Revocation and amendment of specified Regulations

7.—(1) Regulation 7(2) of, and Schedule 4 to, the Colouring Matter in Food Regulations (Northern Ireland) 1973(**a**) shall be revoked.

(2) Each regulation specified in a lettered sub-paragraph of paragraph (3) below shall be amended by—

(*a*) the insertion, in Key paragraph A specified in head (i) of that sub-paragraph, after ''shall not'', of '', save in the case of a permitted additive sale'', and

(a) S.R. 1973 No. 466; the relevant amending Regulations are S.R. 1975 No. 283, S.R. 1976 No. 382, S.R. 1979 No. 49, S.R. 1988 No. 471 and S.R. 1991 No. 203

(*b*) the addition, as Key paragraph B specified in head (ii) of that sub-paragraph, of the following passage: "For the purposes of this regulation a permitted additive sale takes place where a sale, to which the Food Additive Labelling Regulations (Northern Ireland) 1992 applies, takes place without contravention of those Regulations.".

(3) The regulations to which paragraph (2) applies are—

(*a*) regulation 5 of the Antioxidants in Food Regulations (Northern Ireland) 1978(**a**), within which—

(i) paragraph (2) is Key paragraph A, and

(ii) paragraph (3) is Key paragraph B,

(*b*) regulation 5 of the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981(**b**), within which—

(i) paragraph (2) is Key paragraph A,

(ii) paragraph (3) is Key paragraph B,

(*c*) regulation 7 of the Sweetners in Food Regulations (Northern Ireland) 1983(**c**), within which—

(i) each of paragraphs (1) and (2) is Key paragraph A, and

(ii) paragraph (4) is Key paragraph B,

(*d*) regulation 6 of the Preservatives in Food Regulations (Northern Ireland) 1989(**d**) within which—

(i) paragraph (2) is Key paragraph A, and

(ii) paragraph (3) is Key paragraph B, and

(*e*) regulation 5 of the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1989(**e**), within which—

(i) paragraph (2) is Key paragraph A, and

(ii) paragraph (3) is Key paragraph B.

(4) Regulation 2 of the Food Labelling Regulations (Northern Ireland) 1984 shall be amended by the substitution, in the definition of "the additives regulations" for "and the Flavourings in Food Regulations (Northern Ireland) 1992", of ", the Flavourings in Food Regulations (Northern Ireland) 1992 and the Food Additives Labelling Regulations (Norther Ireland) 1992".

(5) Regulation 6 of the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1989 shall be revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th September 1992.

(L.S.) *J. Scott*

Assistant Secretary

(a) S.R. 1978 No. 112: the relevant amending Regulations are S.R. 1981 No. 191, S.R. 1983 No. 265, S.R. 1984 No. 406 and S.R. 1991 No. 203

(b) S.R. 1981 No. 193: the relevant amending Regulations are S.R. 1982 No. 258, S.R. 1983 No. 265, S.R. 1984 No. 406 and S.R. 1991 No. 203

(c) S.R. 1983 No. 265: the relevant amending Regulations are S.R. 1991 No. 203

(d) S.R. 1989 No. 152: the relevant amending Regulations are S.R. 1991 No. 203

(e) S.R. 1989 No. 308: the relevant amending Regulations are S.R. 1991 No. 203

SCHEDULE 1 Regulation 1

Categories of Food Additives

PART I

LIST OF FOOD ADDITIVES

1. Colouring matter
2. Antioxidants
3. Preservatives
4. Emulsifiers
5. Emulsifying salts
6. Thickeners
7. Gelling agents
8. Stabilisers
9. Flavour modifiers
10. Acids
11. Acidity regulators
12. Anti-caking agents
13. Modified starch
14. Sweeteners
15. Raising agents
16. Anti-foaming agents
17. Glazing agents
18. Flour bleaching agents
19. Flour improvers
20. Firming agents
21. Humectants
22. Enzyme preparations
23. Sequestrants
24. Bulking agents