1992 No. 281

FOOD

The Food (Lot Marking) Regulations (Northern Ireland) 1992

Made	*22nd June 1992*
Coming into operation . .	*22nd July 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15(1)(*e*), 16(1), 25(1)(*a*) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food (Lot Marking) Regulations (Northern Ireland) 1992 and shall come into operation on 22nd July 1992.

Interpretation and scope

2. In these Regulations—

"food" has the meaning which it has in Article 15(5) of the Order;

"the labelling Regulations" means the Food Labelling Regulations (Northern Ireland) 1984(**b**), and "indication of minimum durability" and ""use by" date" have the same meanings as in the labelling Regulations;

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

"prepacked" has the meaning assigned to it by the labelling Regulations;

"sale" includes possessing for sale, offering for sale and exposing for sale;

"ultimate consumer" has the meaning assigned to it by the labelling Regulations.

Lot marking requirement

3.—(1) Subject to the following provisions, no person shall sell any food to which a lot marking obligation applies unless the lot marking rules are observed in relation to that sale.

(2) For the purposes of these Regulations—

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

(**b**) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1990 No. 440

(*a*) food is food to which a lot marking obligation applies if it comprises—

(i) a production sales unit, that is to say a sales unit of food produced as part of a batch of such sales units produced under similar conditions,

(ii) a preparation sales unit, that is to say a sales unit of food prepared as part of a batch of such sales units prepared under similar conditions, or

(iii) a packaging sales unit, that is to say a sales unit of food packaged as part of a batch of sales units packaged under similar conditions, and

(*b*) a sales unit of food comprises food in the process of being, or which can reasonably be expected to be, sold as an identifiable unit.

(3) The Schedule specifies how lot marking rules are observed in relation to any sale of food.

Exception for particular types of sale

4. Nothing in these Regulations requires the lot marking rules to be observed in relation to any sale of food where—

(*a*) the food comprises an agricultural product and, in connection with that sale, it leaves the agricultural premises of its production—

(i) for delivery to a temporary storage, preparation or packaging station, or to a producers' organisation, or

(ii) for collection for immediate integration into an operational preparation or processing system, or

(*b*) the sale is a sale to the ultimate consumer in circumstances where the food is not prepacked, is prepacked for direct sale or is packed at the request of the purchaser.

Exception for sales units marked or labelled with indication of minimum durability or "use by" date

5.—(1) Nothing in these Regulations requires a sales unit to bear any lot marking indication where—

(*a*) it is marked or labelled at the time of its sale with an indication of minimum durability or a "use by" date, and

(*b*) that marking or labelling has been carried out in accordance with the labelling Regulations.

(2) Where a sale is not one to which the labelling Regulations apply, but the sales unit is marked or labelled in such a manner as would accord with the labelling Regulations were the sale one to which they applied that marking or labelling shall be treated for the purposes of paragraph (1) as having been carried out in accordance with the labelling Regulations.

Exception for particular types of sales units

6. Nothing in these Regulations requires a sales unit—

(*a*) which is in a container the area of the largest side of which is less than 10 cm^2,