1991 No. 216

FOOD

The Food Labelling (Amendment) (Irradiated Food) Regulations (Northern Ireland) 1991

Made . . . . . *21st May 1991*

Coming into operation . . . . . *17th June 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*e*), 25(1)(*a*) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Labelling (Amendment) (Irradiated Food) Regulations (Northern Ireland) 1991 and shall come into operation on 17th June 1991.

(2) In these Regulations "the principal Regulations" means the Food Labelling Regulations (Northern Ireland) 1984(**b**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1) (interpretation), after the definition of "intense sweetener", there shall be inserted the following definitions—

" "ionising radiation" means any gamma rays, x-rays or corpuscular radiations which are capable of producing ions either directly or indirectly other than those rays or radiations—

(*a*) which are emitted by measuring or inspection devices,

(*b*) which are emitted at an energy level no higher than the appropriate maximum level, and

(*c*) the dose of energy imparted by which does not exceed 0.5Gy;

and for the purposes of this definition the appropriate maximum level is 10 MeV in the case of x-rays and 5MeV otherwise;

"irradiated" means subjected to treatment by ionising radiation;";

(**a**) S.I. 1991/762 (N.I. 7)

(**b**) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1985 No. 120; S.R. 1987 No. 38; S.R. 1987 No. 65; S.R. 1988 No. 23; S.R. 1989 No. 229; S.R. 1990 No. 37

(3) For regulation 3(1) there shall be substituted the following paragraph—

"(1) Subject to paragraph (2), these Regulations shall apply to cream and to food containing milk, but except as aforesaid they shall not apply to cows' milk.";

(4) In regulation 15 (names of ingredients)—

(*a*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) The name used in any list of ingredients for any food which has been irradiated shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation."; and

(*b*) in paragraph (2), after the word "Where", there shall be inserted the words ", in any case other than one to which paragraph (1A) applies,".

(5) For regulation 24(2) (food which is not prepacked and similar food) there shall be substituted the following paragraph—

"(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6, except that—

(*a*) any such food which has been irradiated and is exposed for sale shall be marked or labelled with the name of the food, and

(*b*) any such food which has not been irradiated, other than—

(i) food which is not exposed for sale,

(ii) white bread,

(iii) flour confectionery, and

(iv) carcases and parts of carcases which are not intended for sale in one piece,

shall be marked or labelled with the name of the food.".

(6) After regulation 26 (indication of additives) there shall be inserted the following regulation—

"Indication of irradiated ingredients

26A.—(1) Subject to paragraph (2), any food which—

(*a*) by virtue of regulation 24 or 25 alone is exempted from the requirement to be marked or labelled with a list of ingredients, and

(*b*) contains any ingredient which has been irradiated (and which comprises a particular with which, had that food not been subject to that exemption, the food would have been required by these Regulations to be marked or labelled),

shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".

(2) This regulation does not apply to food which is not exposed for sale.".

30

(7) In regulation 28 (food for immediate consumption where sold)—

(*a*) for paragraph (1) there shall be substituted the following paragraphs—

"(1) Subject to paragraph (3A) any food which has not been irradiated and—

(*a*) is not prepacked, and

(*b*) is sold at a catering establishment for immediate consumption there, and

(*c*) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6.

(1A) Subject to paragraph (3A) any food which has been irradiated and—

(*a*) is not prepacked, and

(*b*) is sold at a catering establishment for immediate consumption there, and

(*c*) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food.";

(*b*) in each of paragraphs (2) and (3), at the beginning, for the word "Any" there shall be substituted the words "Subject to paragraph (3A), any"; and

(*c*) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where any food to which paragraph (1), (1A), (2) or (3) applies contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 33(1B) to (1D)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".".

(8) In regulation 29 (other food for immediate consumption)—

(*a*) for paragraph (2) there shall be substituted the following paragraph—

"(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6—

(*a*) in a case where the food neither has been irradiated nor contains any ingredient which has been irradiated, if, subject to paragraph (5), the provisions of paragraph (3) or, as the case may be, (4) are observed,

(*b*) in a case where the food has been irradiated, if the provisions of paragraph (3) or, as the case may be, (4) are observed, and

(*c*) in a case where the food contains an ingredient which has been irradiated, if the provisions of paragraph (4A) are observed and subject to paragraph (5), the provisions of paragraph (3) or, as the case may be, (4) are observed.";