1987 No. 432

FOOD AND DRUGS

Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987

Made . . . . . *24th November 1987*

Coming into operation . . *31st December 1987*

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The Department of Health and Social Services for Northern Ireland, being a designated Department(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to materials and articles in contact with food or drink or intended for such contact, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987 and shall come into operation on 31st December 1987.

(**a**) Designated by S.I. 1976/2141

(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to the Act and is to be read, as respects Northern Ireland, with Article 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)). The Fines and Penalties (Northern Ireland) Order 1984 is itself subject to the Criminal Penalties etc. (Increase) Order (Northern Ireland) 1984 (S.R. 1984 No. 253)

Interpretation

2.—(1) In these regulations—

"authorised officer" means an officer of a district council, authorised by that council in writing, either generally or specially, to act in matters of any specified kind or in any specified matter;

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council or other public authority;

"Department" means the Department of Health and Social Services for Northern Ireland;

"food" means food intended for human consumption and includes drink, water, natural mineral water, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food, but does not include—

(*a*) live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(*c*) articles or substances used only as drugs;

"import" means import in the course of a business;

"preparation" in relation to food, includes manufacture and any form of treatment or process;

"public analyst" has the meaning assigned to it by section 31 of the Food and Drugs Act (Northern Ireland) 1958(**a**);

"regenerated cellulose film" means a thin sheet material obtained from refined cellulose derived from unrecycled wood or cotton, with or without the addition of suitable substances, either in the mass or on one or both surfaces;

"registered trade mark" means a trade mark which has effect in any member state of the European Economic Community and is duly registered in accordance with the laws of that state;

"sell" includes offer or expose for sale or have in possession for sale;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business;

"ship" includes any boat or craft, and for this purpose "craft" includes hovercraft.

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

Exemptions

3. The provisions of these regulations shall not apply to—

(*a*) any fixed public or private water supply equipment;

(a) 1958 c. 27 (N.I.); the relevant amending instruments are S.R. & O. (N.I.) 1973 No. 211 and S.I. 1985/1208 (N.I. 15)

(b) 1954 c. 33 (N.I.)

(*b*) any substance which, being used as a covering or coating for a food, forms part of that food and may be consumed with it, including such a substance used as covering or coating for cheese rind or prepared meat products;

(*c*) any material or article intended for export to any place outside the United Kingdom;

(*d*) any material or article which is a collector's piece of artistic, archaeological or ethnographic interest or to any other material or article of an age exceeding 100 years.

PART II

COMPOSITION AND LABELLING OF MATERIALS AND ARTICLES

Sale etc. of materials and articles

4.—(1) This regulation shall apply to materials and articles which are in their finished state and are intended to come into contact with food or which are in contact with food and are intended for that purpose.

(2) Materials and articles to which this regulation applies shall be manufactured in accordance with good manufacturing practice, that is to say in such a way that under normal or foreseeable conditions of use they do not transfer their constituents to foods with which they are, or are likely to be, in contact, in quantities which could—

(*a*) endanger human health, or

(*b*) bring about a deterioration in the organoleptic characteristics of such food or an unacceptable change in its nature, substance or quality.

(3) A person shall not—

(*a*) sell,

(*b*) import, or

(*c*) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,

any such material or article which does not comply with this regulation.

Vinyl chloride monomer

5.—(1) Materials and articles to which regulation 4 applies and which are manufactured with vinyl chloride polymers or copolymers—

(*a*) shall not contain vinyl chloride monomer in a quantity exceeding 1 milligram per kilogram of the material or article as measured by the method of analysis specified in regulation 14(1); and

(*b*) shall be manufactured in such a way that they do not transfer to foods with which they are in contact any quantity of vinyl chloride exceeding 0.01 milligrams of vinyl chloride per kilogram of food as measured by the method of analysis specified in regulation 14(2).

(2) A person shall not—

(*a*) sell,

(*b*) import, or

(*c*) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,

any such material or article which does not comply with this regulation.

Regenerated cellulose film

6.—(1) Subject to paragraph (2), this regulation shall apply to regenerated cellulose film which—

(*a*) constitutes a finished product in itself; or

(*b*) is a part of a finished product containing other materials,

and is intended to come into contact with food or is in contact with food and is intended for that purpose.

(2) This regulation shall not apply to—

(*a*) regenerated cellulose film which has a coating exceeding 50 milligrams per square decimetre of film on the side intended to come into contact with food;

(*b*) synthetic casings of regenerated cellulose.

(3) Regenerated cellulose film to which this regulation applies shall not be manufactured with any substance or group of substances other than the substances named or described in Schedule 1—

(*a*) in column 1 of Part I, in the case of uncoated film; or

(*b*) in column 1 of Part II, in the case of coated film,

and used in accordance with the conditions and restrictions specified in the corresponding entry in column 2 of the appropriate Part of Schedule 1, as read with footnotes 1 and 2 to that Schedule.

(4) Regenerated cellulose film to which this regulation applies shall be manufactured in such a way that it does not transfer any adhesive or colourant to food.

(5) Coated regenerated cellulose film to which this regulation applies shall be manufactured in such a way that it does not transfer bis (2-hydroxyethyl) ether, ethanediol or both these substances to food in a quantity exceeding 50 milligrams per kilogram of food.

(6) A person shall not—

(*a*) sell,

(*b*) import, or

(*c*) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,

any such regenerated cellulose film which does not comply with this regulation.

(7) A person shall not use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food—

(*a*) containing water physically free at the surface, any coated regenerated cellulose film to which this regulation applies and which contains bis (2-hydroxyethyl) ether, ethanediol or both these substances;