1987 No. 431

FOOD AND DRUGS

Olive Oil (Marketing Standards) Regulations (Northern Ireland) 1987

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

Coming into operation . . *31st December 1987*

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 the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Olive Oil (Marketing Standards) Regulations (Northern Ireland) 1987 and shall come into operation on 31st December 1987.

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;

"the Council Regulation" means Regulation No. 136/66/EEC of the Council(**c**) on the establishment of a common organisation of the market in oils and fats as amended in particular by Council Regulation (EEC) No. 1915/87(**d**);

"oil" means any of the descriptions of olive oils and olive-pomace oils referred to in Article 35 of the Council Regulation and described in the Annex to that Regulation; and

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

(2) Other expressions used in these regulations have, in so far as the context permits, the same meaning as in the Council Regulation.

(**a**) S.I. 1972/1811

(**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 is itself subject to the Criminal Penalties etc. (Increase) Order (Northern Ireland) 1984 (S.R. 1984 No. 253)

(**c**) O.J. No. L172, 30.8.66, p. 3025/66 (O.J./SE 1965-66 p. 221)

(**d**) O.J. No. L183, 3.7.87, p. 7

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

Offences relating to the marketing of oil

3.—(1) Subject to paragraph (2), a person who in selling any oil contravenes Article 35.1 of the Council Regulation (which provides that certain descriptions and definitions of oil shall, in relation to the marketing of oil, be compulsory) as read with the Annex thereto commits an offence under this regulation.

(2) Before 1st January 1990 it shall not be an offence under this regulation—

(*a*) in relation to sale in Northern Ireland, to use a description or definition of oil which is in commercial use in Great Britain before 1st November 1987 and in Northern Ireland immediately before the operative date of these regulations; or

(*b*) in relation to the sale of oil referred to in point 3 of the Annex to the Council Regulation, being oil which is intended for export from the United Kingdom, to use the description "pure olive oil".

(3) A person who sells by retail any oil other than oil referred to in points 1(*a*) and (*b*), 3 and 6 of the Annex to the Council Regulation in contravention of Article 35.2 of that Regulation (which provides that only oil satisfying certain definitions shall be marketed at the retail stage) as read with that Annex commits an offence under this regulation.

(4) Where the commission by any person of an offence under this regulation is due to the act or default of some other person that other person may be charged with and convicted of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

(5) In proceedings against any person for an offence under this regulation it shall be a defence for that person to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(6) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding £2,000.

Enforcement

4. Each district council shall enforce and execute the provisions of these regulations in its district.

Powers of authorised officers

5. For the purpose of enforcing these regulations an authorised officer, on producing, if so required, some duly authenticated document showing his authority, may—

(*a*) at all reasonable times enter any premises (other than premises used only as a dwelling) on which he reasonably suspects that oil is being, or has been, sold; and

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