1987 No. 38

FOOD AND DRUGS

Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987

Made . . . . . *4th February 1987*

Coming into operation . . *9th March 1987*

The Department of Health and Social Services(**a**), in exercise of the powers conferred by sections 4, 7, 13 and 68 of the Food and Drugs Act (Northern Ireland) 1958(**b**) and being a designated Department(**c**) for the purposes of section 2(2) of the European Communities Act 1972(**d**) 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 every other power enabling it in that behalf and after consultation in accordance with section 68(2) of the Food and Drugs Act (Northern Ireland) 1958 with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987 and shall come into operation on 9th March 1987.

Summary Offences

2. The regulations specified in column 1 of Schedule 1 are hereby amended by deleting everything following the word "liable" from the provision of the regulations specified in column 2 of Schedule 1 and substituting for the part of that provision so deleted the words "on summary conviction to a fine not exceeding £2,000.".

Offences triable either way

3. The regulations specified in column 1 of Schedule 2 are hereby amended by deleting the word "liable" and everything following it from the provision of the regulations specified in column 2 of Schedule 2 and substituting for that part of that provision so deleted the words—

(**a**) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I

(**b**) 1958 c. 27 (N.I.); as amended by Article 12 of, and Schedule 4 to, the Criminal Justice (Northern Ireland) Order 1986 (S.I. 1986/1883 (N.I. 15))

(**c**) Designated by S.I. 1972/1811

(**d**) 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)

"liable—

(*a*) on summary conviction, to a fine not exceeding £2,000; and

(*b*) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.".

Amendment of the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982

4. Regulation 10 of the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982(**a**) shall be amended as follows—

(*a*) in paragraph (1) for "£100" there shall be substituted "£2,000"; and

(*b*) in paragraph (3) for "£50" there shall be substituted "£400".

Amendment of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1981

5. In regulation 15 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1981(**b**) for all the words following "conviction" there shall be substituted—

"to,—

(*a*) in the case of an offence under regulation 14, a fine not exceeding £1,000; and

(*b*) in the case of any other offence under the regulations, a fine not exceeding £2,000.".

Offences committed before 9th March 1987

6. Nothing in these regulations shall affect the mode of trial or punishment for an offence committed before 9th March 1987.

Revocation

7. The Food and Drugs (Penalties) Regulations (Northern Ireland) 1960(**c**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 4th February 1987.

(L.S.) *Z. I. Davies*
Under Secretary

(**a**) S.R. 1982 No. 386
(**b**) S.R. 1981 No. 285; to which there are amendments not relevant to these regulations
(**c**) S.R. & O. (N.I.) 1960 No. 71

SCHEDULE 1 Regulation 2

Regulations whose Offences are to continue to be Summary Offences

Column 1		Column 2
Statutory Rule		*Provision amended*
S.R. & O. (N.I.) 1960 No. 160(a)	Food Standards (Miscellaneous Foods) Regulations (Northern Ireland) 1960	Regulation 6
S.R. & O. (N.I.) 1961 No. 98(a)	Arsenic in Food Regulations (Northern Ireland) 1961	Regulation 5
S.R. & O. (N.I.) 1961 No. 190(a)	Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961	Regulation 7(1)
S.R. & O. (N.I.) 1964 No. 6	Meat (Treatment) Regulations (Northern Ireland) 1964	Regulation 5
S.R. & O. (N.I.) 1966 No. 192(a)	Salad Cream Regulations (Northern Ireland) 1966	Regulation 8(1)
S.R. & O. (N.I.) 1966 No. 200	Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966	Regulation 6
S.R. & O. (N.I.) 1966 No. 205(a)	Butter Regulations (Northern Ireland) 1966	Regulation 7(1)
S.R. & O. (N.I.) 1967 No. 282(a)	Solvents in Food Regulations (Northern Ireland) 1967	Regulation 8(1)
S.R. & O. (N.I.) 1968 No. 3(a)	Margarine Regulations (Northern Ireland) 1968	Regulation 11(1)
S.R. & O. (N.I.) 1968 No. 13(a)	Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968	Regulation 10(1)
S.R. & O. (N.I.) 1970 No. 14(a)	Cheese Regulations (Northern Ireland) 1970	Regulation 16(1)
S.R. & O. (N.I.) 1970 No. 194(a)	Cream Regulations (Northern Ireland) 1970	Regulation 11(1)
S.R. & O. (N.I.) 1973 No. 466(a)	Colouring Matter in Food Regulations (Northern Ireland) 1973	Regulation 9(1)

(a) To which there are amendments not relevant to these regulation