1979 No. 407

FOOD AND DRUGS

Composition

Lead in Food Regulations (Northern Ireland) 1979

Made . . . . . *20th November* 1979

Coming into operation . . . *12th April* 1980

The Department of Health and Social Services(a), in exercise of the powers conferred on it by sections 4 and 68 of the Food and Drugs Act (Northern Ireland) 1958(b) and of every other power enabling it in that behalf and after consultation 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 Lead in Food Regulations (Northern Ireland) 1979, and shall come into operation on 12th April 1980.

Interpretation

2.—(1) In these regulations

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"carbohydrate" means any substance containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water;

"food" has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

"soft drink" has the meaning assigned to it by the Soft Drinks Regulations (Northern Ireland) 1976(c);

"specified food" means any food of a description specified in the first column of Schedule 1;

"sugars" means any soluble carbohydrate sweetening matter.

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

Exemptions

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

(*a*) in respect of which the maximum permitted lead content is prescribed by any regulations, other than these regulations, made under the Act.

(a) *See* S.R. & O. (N.I.) 1964 No. 205 (p. 937) art. 5 and Sch. 2 Part 1 and 1973 c. 36 s. 40 and Sch. 5 para. 8

(b) 1958 c. 27 (N.I.)

(c) S.R. 1976 No. 357 (II, p. 1725); the relevant amending regulation is S.R. 1977 No. 182 (II, p. 1047)

(*b*) which is intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom.

Sale, etc. of food containing lead

4.—(1) No specified food shall contain any lead in any proportion exceeding that specified or referred to in relation thereto in the second column of Schedule 1, so however that on or after 13th April, 1982, no specified food of a description included in the first column of Part II of that Schedule shall contain any lead in any proportion exceeding that specified in relation thereto in the third column of that Schedule.

(2) No other food shall contain any lead in any proportion exceeding 1.0 milligram per kilogram of such food.

(3) A person shall not sell, consign or deliver any food which does not comply with this regulation.

Condemnation of food containing lead

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell, consign or deliver, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties and enforcement

6.—(1) If any person contravenes any of the foregoing provisions, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in its area.

Defence

7. In any proceedings for an offence under regulation 4(2) and (3) in respect of any food consisting of two or more ingredients, it shall be a defence for the person charged to prove that, although the lead is present in the food in a quantity exceeding that specified in regulation 4(2),

(*a*) not less than 10 per cent by weight of the food consists of an ingredient for which a higher quantity of lead is permitted, and

(*b*) regulation 4 would not be contravened if the ingredients were sold separately:

Provided that in the case of an additive premix which consists of a mixture of two or more substances for use as an ingredient in the preparation of food and is in a container bearing a label on which there appears in a conspicuous position a clear and legible statement to the effect that it is an additive premix and is not intended for retail sale, it shall be a defence to prove that regulation 4 would not be contravened if the ingredients of the additive premix were sold separately.

Revocations

8. The regulations specified in the first column of Schedule 2 are hereby revoked to the extent specified in relation thereto in the third column of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th November 1979.

(L.S.) *S. W. McDowell*
Assistant Secretary

SCHEDULE 1 Regulations 2(1) and 4(1)

PART I

Description of food	*Proportions of lead (expressed in milligrams per kilogram)*
1. Beer	0.2
2. Brandy, geneva, gin, rum, whisky, vodka	0.2
3. Cider, perry	0.2
4. Infant foods—that is to say foods which are specially prepared for infants or young children and are described expressly or by implication as such— but excluding — rusks — such foods when dried, dehydrated or concentrated	0.2
5. Non-alcoholic beverages, ready to drink, not otherwise specified in this Schedule	0.2
6. Soft drinks for consumption without dilution	0.2
7. Water ices or other similar frozen confections	0.2
8. Edible oils or fats	0.5
9. Fruit juices (other than lime juice, lemon juice) tomato juice, tomato juice cocktails and vegetable juices, ready to drink	0.5
10. Ice cream or other similar frozen confections (excluding water ices and similar frozen confections)	0.5
11. Rusks	0.5
12. Sugars with a sulphated ash content not exceeding 0.25 per cent of the dry matter	0.5
13. Sugars with a sulphated ash content exceeding 0.25 per cent of the dry matter but not exceeding 1.0 per cent of the dry matter	1.0
14. Canned foods, but excluding canned condensed milk, any specified food that is canned and canned infant foods when dried, dehydrated or concentrated	2.0
15. Cocoa powder	2.0 (calculated on the dry fat free substance)
16. Concentrated lime juice and concentrated lemon juice when intended for use by a manufacturer for the purposes of his manufacturing business	2.0