

2001 No. 419

FOOD

**Miscellaneous Food Additives (Amendment No. 2) Regulations
(Northern Ireland) 2001**

Made 30th November 2001

Coming into operation 15th January 2002

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 15(1)(a), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 15th January 2002.

(2) In these Regulations “the principal Regulations” means the Miscellaneous Food Additives Regulations (Northern Ireland) 1996^(c).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation)—

(a) in the definition of “Directive 95/2/EC”, for “and European Parliament and Council Directive 98/72/EC” there shall be substituted “, European Parliament and Council Directive 98/72/EC^(d) and European Parliament and Council Directive 2001/5/EC^(e)”;

(b) in the definition of “Directive 96/77/EC”, for “and Commission Directive 2000/63/EC” there shall be substituted “, Commission

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I. 1), Article 3
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) S.R. 1996 No. 50 as amended by S.R. 1997 No. 340, S.R. 1999 No. 244 and S.R. 2001 No. 46
(d) O.J. No. L295, 4.11.98, p. 18
(e) O.J. No. L55, 24.2.2001, p. 59

Directive 2000/63/EC(a) and Commission Directive 2001/30/EC(b)”; and

(c) in the definition of “purity criteria”, for paragraph (b) there shall be substituted—

“(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;”.

4. In regulation 11 (transitional provisions and exemptions) after paragraph (1C) there shall be inserted—

“(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that—

(a) the food additive or food concerned was put on the market or labelled before 15th January 2002; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulations 3(b) and (c) and 8 of the Miscellaneous Food Additives (Amendment No. 2) Regulations (Northern Ireland) 2001 had not been in operation when that matter occurred.”.

5. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8)—

(a) in note 2, for “and E 948” there shall be substituted “, E948 and E949”; and

(b) in the Table—

(i) in the first column, immediately after the reference to “E948” there shall be inserted a reference to “E949”, and

(ii) in the second column, immediately after the reference to “Oxygen” there shall be inserted a reference to “Hydrogen”.

6. In the Table to Schedule 3 (other permitted miscellaneous additives)—

(a) in the entry for Glycerol esters of wood rosins (E445)—

(i) in the third column, after the reference to “non-alcoholic flavoured cloudy drinks” there shall be added the following references—

“Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, designation and presentation of spirit drinks(c)

Cloudy spirit drinks containing less than 15% alcohol by volume”;

(ii) in the fourth column, opposite to each of the references added by this paragraph, there shall be added references to “100mg/l”;

(b) immediately after the entry for Disodium 5'-ribonucleotides (E635) there shall be inserted the following entry—

(a) O.J. No. L277, 30.10.2000, p. 1

(b) O.J. No. L146, 31.5.2001, p. 1

(c) O.J. No. L160, 12.6.89, p. 1

“E650 Zinc acetate Chewing gum 1000 mg/kg”;
(c) immediately after the entry for Carbamide (E927b) there shall be inserted the following entries—

“E943a	Butane	Vegetable oil pan spray (for professional use only) Water-based emulsion spray] <i>quantum satis</i> ”
E943b	Iso-butane		
E944	Propane		

7. In Schedule 4 (permitted carriers and carrier solvents), in the entry for Propane-1,2-diol (propylene glycol) there shall be inserted in the first column the reference “E1520”.

8. In Schedule 5 (purity criteria)—

(a) for the text at the start commencing with “Each miscellaneous additive for which specific purity criteria are specified” and ending with “E957 Thaumatin.”, there shall be substituted—

“The miscellaneous additives for which specific purity criteria are referred to below shall not contain—

- (a) more than 2 milligrams per kilogram of arsenic;
- (b) more than 10 milligrams per kilogram of lead;
- (c) more than 50 milligrams per kilogram of copper;
- (d) more than 25 milligrams per kilogram of zinc; or
- (e) more than 50 milligrams per kilogram of any combination of copper and zinc.”; and

(b) the remainder of the Schedule shall be omitted save for the provisions relating to magnesium carbonates (E504).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 30th November 2001.

(L.S.)

W. B. Smith
Senior Officer of the Department of Health,
Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Miscellaneous Food Additives Regulations (Northern Ireland) 1996, as amended (“the principal Regulations”).

The Regulations implement—

- (a) Commission Directive 2001/30/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (O.J. No. L146, 31.5.2001, p. 1); and
- (b) Directive 2001/5/EC of the European Parliament and of the Council amending Directive 95/2 on food additives other than colours and sweeteners (O.J. No. L55, 24.2.2001).

Subject to a transitional provision, the Regulations specify new purity criteria in relation to the additives specified in the Annex to Commission Directive 2001/30/EC (*regulations 3(b) and (c), 4 and 8*).

The Regulations also—

- (a) add one new additive to the list, in Schedule 1 to the principal Regulations, of miscellaneous food additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to those Regulations (*regulation 5*);
- (b) modify the list, in Schedule 3 to the principal regulations, of miscellaneous food additives which may be included in certain foods, by adding four new additives to that list and specifying additional foods in which Glycerol esters of wood rosins may be contained (*regulation 6*); and
- (c) modify the list of permitted carriers and carrier solvents in Schedule 4 to the principal Regulations by incorporating an E Number for Propane-1,2-diol (propylene glycol) (*regulation 7*).