

2004 No. 439

FOOD

**The Miscellaneous Food Additives (Amendment)
Regulations (Northern Ireland) 2004**

Made - - - - - *14th October 2004*

Coming into operation *5th November 2004*

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 both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 5th November 2004.

Amendment of The Miscellaneous Food Additives Regulations (Northern Ireland) 1996

2. The Miscellaneous Food Additives Regulations (Northern Ireland) 1996(d) shall be amended in accordance with regulation 3 and 4.

3. In paragraph (1) of regulation 2 (interpretation), in the definition of “Directive 96/77/EC”(e) for “and Commission Directive 2002/82/EC” there shall be substituted the following –

“, Commission Directive 2002/82/EC(f) Commission Directive 2003/95/EC(g) and Commission Directive 2004/45/EC(h)”.

(a) Formerly the Department of Health and Social Services: *see* S.I. 1999/283 (N.I. 1) Article 3(6)
(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) O.J. No. L31, 1.2.2002, p. 1
(d) S.R. 1996 No. 50, amended by S.R. 1997 No. 340, S.R. 1999 No. 244, S.R. 2001 No. 46, S.R. 2001 No. 419
(e) O.J. No. L339, 30.12.1996, p. 1
(f) O.J. No. L292, 28.10.2002, p. 1
(g) O.J. No. L283, 31.10.2003, p. 71
(h) O.J. No. L113, 20.4.2004, p. 19

4. In regulation 11, after paragraph (1D), there shall be inserted –

“(1E) In any proceedings for an offence in contravention of regulation 3(1) where it is alleged that a food additive failed to satisfy the purity criteria for that additive, it shall be a defence for the accused to show either –

(a) that the food additive concerned is E431-E436, or polyethylene glycol 6000 and the food additive or food concerned was put on the market or labelled before 1st November 2004; or

(b) that the food additive concerned is E407, E407a, E1517 or E1519 and the food additive or food concerned was put on the market or labelled before 1st April 2005;

and that that matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulation 3 of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 2004 had not been in operation when that matter occurred.”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th October 2004.

(L.S.)

D. Kenny

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, implement Commission Directive 2003/95/EC(a) and Commission Directive 2004/45/EC(b), both of which amend Commission Directive 96/77/EC(c) laying down specific purity criteria on food additives other than colours and sweeteners. Directive 96/77/EC was implemented by amendment(d) to the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(e).

In particular these Regulations provide for purity criteria as outlined in the Annexes to Commission Directives 2003/95/EC and 2004/45/EC in relation to the following additives:

E251 Sodium Nitrate

E431 Polyoxyethylene (40) Stearate

E432 Polyoxyethylene Sorbitan Monolaurate (Polysorbate 20)

E433 Polyoxyethylene Sorbitan Monooleate (Polysorbate 80)

E434 Polyoxyethylene Sorbitan Monopalmitate (Polysorbate 40)

E435 Polyoxyethylene Sorbitan Monostearate (Polysorbate 60)

E436 Polyoxyethylene Sorbitan Tristearate (Polysorbate 65)

E459 Beta-Cyclodextrin

Polyethylene Glycol 6000

E407 Carrageenan

E407a Processed Eucheuma seaweed

E907 Hydrogenated Poly-1-decene

E1517 Glyceryl Diacetate

E1519 Benzyl Alcohol

(a) O.J. No. L283, 31.10.2003, p. 71

(b) O.J. No. L113, 20.4.2004, p. 19

(c) O.J. No. L339, 30.12.1996, p. 1

(d) In S.R. 1997 No. 340

(e) S.R. 1996 No. 50, relevant amendments are S.R. 1997 No. 340, S.R. 1999 No. 244, S.R. 2001 No. 46 and S.R. 2001 No. 419

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