

2005 No. 19

FOOD

**The Miscellaneous Food Additives (Amendment)
Regulations (Northern Ireland) 2005**

Made - - - - - *14th January 2005*

Coming into operation *17th February 2005*

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) 2005 and shall come into operation on 17th February 2005.

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.

3. In regulation 11, for paragraph (1E)(e) there shall be substituted –

“(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 5th 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;

(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, S.R. 2003 No. 158, S.R. 2003 No. 535 and S.R. 2004 No. 439
(e) As added by S.R. 2004 No. 439 regulation 4

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^(a) 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 January 2005.

(L.S.)

D. Kenny

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

^(a) S.R 2004 No. 439

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend regulation 4 of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 439) to correct a drafting error.

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