

**2005 No. 75**

**FOOD**

**The Colours in Food (Amendment) Regulations  
(Northern Ireland) 2005**

*Made* - - - - - *9th March 2005*

*Coming into operation* *1st April 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 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), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Colours in Food (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 1st April 2005.

**Amendment of the Colours in Food Regulations (Northern Ireland) 1996**

2.—(1) The Colours in Food Regulations (Northern Ireland) 1996(d) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) in the definition of “Directive 95/45/EC”(e), for “and Directive 2001/50/EC” there shall be substituted –

“Directive 2001/50/EC(f) and Directive 2004/47/EC(g)”.

(3) In regulation 13 (transitional provision and exemption) after paragraph (1) there shall be inserted –

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(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, S.R. 1999 No. 438, S.R. 1999, No. 108 and S.R. 2004 No. 482  
(c) O.J. No. L31, 1.2.2002, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4). By virtue of regulation 5 of the Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 482), with effect from 7th December 2004 the consultation requirement contained in Article 47(3) of the 1991 Order is disappplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002  
(d) S.R. 1996 No. 49, relevant amending rules are S.R. 2000 No. 188 and S.R. 2001 No. 408  
(e) The definition of “Directive 95/45/EC” was amended by S.R. 2000 No. 188 and S.R. 2001 No. 408  
(f) Commission Directive 2001/50/EC of 3rd July 2001 amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (O.J. No. L190, 12.7.2001, p. 14)  
(g) Commission Directive 2004/47/EC of 16th April 2004 amending Directive 95/45/EC as regards mixed carotenes (E160a(i)) and beta-carotene (E160a(ii)) (O.J. No. L113, 20.4.2004, p. 24)

“(1A) In any proceedings for an offence against these Regulations it shall be a defence to prove that –

- (a) the colour or food which is the subject of the allegation was put on the market or labelled before 1st April 2005; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations as they stood immediately before the coming into operation of the Colours in Food (Amendment) Regulations (Northern Ireland) 2005.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 9th March 2005.

(L.S.)

*Noel McCann*

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 2004/47/EC amending Directive 95/45/EC. They do so by further amending the Colours in Food Regulations (Northern Ireland) 1996. The Regulations –

- (a) provide amended purity criteria for mixed carotenes E160a(i) and beta carotene E160a(ii) (regulation 2(2));
- (b) insert a transitional defence provision for products put on the market or labelled before 1st April 2005 which otherwise comply with the Colours in Food Regulations (Northern Ireland) 1996, allowing current stocks to be exhausted (regulation 2(3)).

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