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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 405**

**The Infant Formula and Follow-on Formula  
(Amendment) Regulations (Northern Ireland) 2008**

**Amendment of the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007**

2.—(1) The Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007(1) are amended in accordance with paragraphs (2) to (6).

(2) For the provisions of regulation 3 (prohibition on the marketing of infant formula or follow-on formula unless certain conditions are met) substitute —

“(1) A person shall not market infant formula which contravenes regulation 5, 6, 8, 10, 11, 12, 14(1), (2) or (3), 15, 17, 19 or 20(1).

(2) A person shall not market follow-on formula which contravenes regulation 5, 7, 9, 10, 11, 12, 14(1), (2) or (3), 16, 18, 19 or 20(2).”.

(3) In regulation 20 (presentation (infant formula and follow-on formula))—

(a) for paragraph (1) substitute —

“(1) The presentation of an infant formula shall comply with the provisions of regulations 17(1)(e), (2), (3) and (4) and 19”; and

(b) for paragraph (2) substitute —

“(2) The presentation of a follow-on formula shall comply with the provisions of regulations 18(2) and 19.”.

(4) For regulation 26(1)(a) (export of infant formula to third countries) substitute—

“(a) regulation 5, 6, 8, 10, 11, 12, 14(1), (2) or (3), 17, 19 or 20(1);”.

(5) For regulation 27(a) (export of follow-on formula to third countries) substitute—

“(a) regulation 5, 7, 9, 10, 11, 12, 14(1), (2) or (3), 18, 19 or 20(2);”.

(6) For regulation 31(3) (revocation and transitional arrangements) substitute—

“(3) In respect of any contravention before 1st January 2010, a person does not commit an offence under regulation 28(1) consisting of a contravention of —

(a) regulation 3(1), where—

(i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes regulation 5, 6, 8, 10, 11, 12 or 14(1), (2) or (3), and

(ii) that action does not constitute an offence under regulation 10(1) of the 1995 Regulations consisting of a contravention of regulation 2(1)(a)(i) or (ii) of those Regulations;

(b) regulation 3(1), where—

- (i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes regulation 17 or 19, and
  - (ii) that action, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(1)a (iii) of those Regulations;
- (c) regulation 3(1), where—
  - (i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes regulation 20(1) in so far as regulation 20(1) applies in relation to the shape, appearance and packaging of that infant formula, and
  - (ii) that action, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(1)(a)(iv) of those Regulations in so far as regulation 2(1)(a)(iv) applied in relation to the shape, appearance and packaging of that infant formula;
- (d) regulation 3(2), where—
  - (i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes regulation 5, 7, 9, 10, 11, 12 or 14(1), (2) or (3), and
  - (ii) that action does not constitute an offence under regulation 10(1) of the 1995 Regulations consisting of a contravention of regulation 2(2)(a) or (b) of those Regulations;
- (e) regulation 3(2), where—
  - (i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes regulation 18 or 19, and
  - (ii) that action, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(2)(c) of those Regulations;
- (f) regulation 3(2), where—
  - (i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes regulation 20(2) in so far as regulation 20(2) applies in relation to the shape, appearance and packaging of that follow-on formula, and
  - (ii) that action, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(2)(d) of those Regulations in so far as regulation 2(2)(d) applied in relation to the shape, appearance and packaging of that follow-on formula;
- (g) regulation 4, where the action that would otherwise constitute the offence does not constitute an offence under regulation 10(1) of the 1995 Regulations consisting of a contravention of regulation 2(1)(b)(i) or (ii) of those Regulations;
- (h) regulation 4, where the action that would otherwise constitute the offence, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(1)(b)(iii) of those Regulations; or

- (i) regulation 4, where the action that would otherwise constitute the offence, had it taken place on 10th January 2008, would not have constituted an offence under regulation 10(1) of the 1995 Regulations as they then stood consisting of a contravention of regulation 2(1)(b)(iv) of those Regulations in so far as regulation 2(1)(b)(iv) applied in relation to the shape, appearance and packaging of the product concerned.”.

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**Commencement Information**

**II** [Reg. 2](#) in operation at 4.11.2008, see [reg. 1\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Infant Formula and Follow-on Formula (Amendment) Regulations (Northern Ireland) 2008, Section 2.