
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 415

FOOD

The Food Enzymes Regulations (Northern Ireland) 2009

Made - - - - 11th December 2009

Coming into operation 20th January 2010

The Department of Health, Social Services and Public Safety⁽¹⁾ makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a), (e) and (f), 16(2), 25(1) and (3), and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽²⁾.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

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⁽³⁾, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Food Enzymes Regulations (Northern Ireland) 2009 and come into operation on 20th January 2010.

Commencement Information

II [Reg. 1](#) in operation at 20.1.2010, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations —

“the EC Regulation” means Regulation (EC) No.1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive [83/417/EEC](#), Council

(1) Formerly the Department of Health and Social Services; see [S.I.1999/283 \(N.I.1\)](#) Article 3(6)
(2) [S.I. 1991/762 \(N.I.7\)](#) as amended by [S.I. 1996/1663 \(N.I.12\)](#), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act [1999 c.28](#) and [S.R. 2004 Nos. 482 and 505](#)
(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by [Commission Regulation \(EC\) No. 596/2009](#) of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188,18.7.2009 p.14)

Status: Point in time view as at 31/10/2013.

Changes to legislation: There are currently no known outstanding effects for the The Food Enzymes Regulations (Northern Ireland) 2009. (See end of Document for details)

Regulation (EC) No.1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97(4);

“the Order” means the Food Safety (Northern Ireland) Order 1991.

(2) Any other expression used in these Regulations and in the EC Regulation has the same meaning in these Regulations as it bears in the EC Regulation.

(3) Any reference to a numbered Article is a reference to the Article so numbered in the EC Regulation.

Commencement Information

I2 [Reg. 2](#) in operation at 20.1.2010, see [reg. 1](#)

Offences, penalties and savings

^{F13}.

Textual Amendments

F1 [Reg. 3](#) revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, [Sch. 6](#)

Enforcement and competent authorities

^{F24}.

Textual Amendments

F2 [Reg. 4](#) revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, [Sch. 6](#)

Application of various Articles of the Food Safety (Northern Ireland) Order 1991

^{F35}.

Textual Amendments

F3 [Reg. 5](#) revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, [Sch. 6](#)

Condemnation of Food

^{F46}.

(4) OJ No. L354, 31.12.2008, p.7

Textual Amendments

F4 Reg. 6 revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, **Sch. 6**

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

7.—(1) The Food Labelling Regulations (Northern Ireland) 1996⁽⁵⁾ are amended in accordance with paragraphs (2) to (5).

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

(a) following the definition of “follow-on formula” insert the following definition —

“food enzyme” has the meaning that it bears in Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes;” and

^{F5}(b)

(3) In regulation 14 (names of ingredients) after paragraph (9) insert the following as paragraph (9A) —

“(9A) A food enzyme other than one referred to in regulation 17(b) or (c) shall be identified by the appropriate category in Schedule 4 followed by the specific name of that enzyme.”.

(4) In regulation 17 (ingredients which need not be named) —

(a) in paragraphs (b) and (c) in each case after the expression “any additive” insert “or food enzyme”; and

(b) in paragraph (d) after the expression “an additive” insert “or food enzyme”;

(5) In the heading to Schedule 4, for the word “additives” substitute “ingredients”.

Textual Amendments

F5 Reg. 7(2)(b) revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, **Sch. 6**

Commencement Information

I3 Reg. 7 in operation at 20.1.2010, see **reg. 1**

Amendment of the Caseins and Caseinates Regulations (Northern Ireland) 1986

^{F6}8.

Textual Amendments

F6 Reg. 8 revoked (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), reg. 1, **Sch. 6**

(5) S.R. 1996 No. 383; regulation 17 was amended by S.R. 2004 No. 469

Status: Point in time view as at 31/10/2013.

Changes to legislation: There are currently no known outstanding effects for the The Food Enzymes Regulations (Northern Ireland) 2009. (See end of Document for details)

Amendment of the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003

9. In Schedule 4 (permitted treatments and additional substances) to the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003(6), after the expressions “Pectolytic enzymes”, “Proteolytic enzymes” and “Amylolytic enzymes” in paragraphs 4, 5 and 6 respectively in each case add the expression “meeting the requirements of Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes”.

Commencement Information

I4 [Reg. 9](#) in operation at 20.1.2010, see [reg. 1](#)

Amendment of the Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004

10. In regulation 2(1) (interpretation) of the Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004(7), for the definition of “Regulation (EC) No 258/97” substitute the following definition —

““Regulation (EC) No. 258/97” means Regulation (EC) No. 258/97 of the European Parliament and of the Council concerning novel foods and food ingredients as last amended by Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes;”.

Commencement Information

I5 [Reg. 10](#) in operation at 20.1.2010, see [reg. 1](#)

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 11th December 2009.



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

(6) S.R. 2003 No. 305, as amended by S.R. 2005 No.574

(7) S.R. 2004 No. 33

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement of Regulation (EC) No. 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97 (OJNo. L354, 31.12.2008, p.7), (“the EC Regulation”).

The Regulations provide that it is an offence —

- (a) once the list of food enzymes mentioned in Article 17 of the EC Regulation has been adopted, to place on the market or use as food enzymes any that are not on that list (*regulation 3(2)(a)*);
- (b) to place on the market a food enzyme (or any food containing such an enzyme) that is not compliant with the EC Regulation and its implementing measures (*regulation 3(2)(b)*);
- (c) to fail to label food enzymes or enzyme preparations in accordance with the relevant requirements for business to business transactions (*regulation 3(2)(c)*) or for sales to the final consumer (*regulation 3(2)(d)*); or
- (d) to fail to provide certain technical information to the Commission in specified circumstances (*regulation 3(2)(e)*).

These Regulations also —

- (a) designate the authorities having the duty to enforce these Regulations and the EC Regulation (*regulation 4*);
- (b) apply certain specified provisions of the Food Safety (Northern Ireland) Order 1991 for the purpose of these Regulations (*regulation 5*); and
- (c) provide that where food does not comply with these Regulations such that it would be an offence to place it on the market, it may be treated as failing to comply with food safety requirements for the purposes of seizure and destruction under Article 8 of the Food Safety (Northern Ireland) Order 1991 (*regulation 6*).

The Regulations make consequential amendments to —

- (a) the Food Labelling Regulations (Northern Ireland) 1996 (*regulation 7*);
- (b) the Caseins and Caseinates Regulations (Northern Ireland) 1986 (*regulation 8*);
- (c) the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003 (*regulation 9*); and
- (d) the Novel Foods and Novel Food Ingredients Regulations (Northern Ireland) 2004 (*regulation 10*).

Status:

Point in time view as at 31/10/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Food Enzymes Regulations (Northern Ireland) 2009.