
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement of Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ No L 327, 11.12.2015, p 1).

These Regulations —

- (a) make district councils, within their district, responsible for the enforcement of Regulation (EU) 2015/2283 and these Regulations (regulation 3);
- (b) provide that it is an offence for a person to fail to comply with Article 6(2) of the Novel Foods Regulation, punishable on summary conviction by a fine not exceeding level 5 on the standard scale. Article 6(2) provides that only novel foods authorised by the European Commission and included in the European Union’s list of novel foods may be placed on the market within the European Union, and the foods must be in accordance with conditions of use and the labelling requirements set out in the list (regulation 4);
- (c) applies certain provisions of the Food Safety (Northern Ireland) Order 1991 (1991 N.I. 7) to the Regulations with modifications. This includes the application (with modifications) of —
 - (i) Article 8, enabling an authorised officer, if it appears to that officer that Article 6(2) of Regulation (EU) 2015/2283 is being or has been contravened, to give notice to the person in charge of the food that it is not to be used for human consumption or is not to be removed except to some place specified in the notice, or to seize the food in order to have it dealt with by a justice of the peace (regulation 5(2) and Schedule 2), and
 - (ii) Article 9(1), enabling an improvement notice to be served requiring compliance with the provisions of Regulation (EU) 2015/2283 specified in Schedule 1 to these Regulations. The provisions as applied, make the failure to comply with an improvement notice an offence (regulation 5(1) and Schedule 2);
- (d) revoke and replace the Novel Foods and Novel Foods Ingredients Regulations (Northern Ireland) 2004 and the Food Enzymes Regulations (Northern Ireland) 2009.

Changes to legislation:

There are currently no known outstanding effects for the The Novel Foods Regulations (Northern Ireland) 2017.