

1989 No. 910

**FOOD**  
**EUROPEAN COMMUNITIES**

**The Tetrachloroethylene in Olive Oil Regulations 1989**

<i>Made</i> - - - -	<i>26th May 1989</i>
<i>Laid before Parliament</i>	<i>9th June 1989</i>
<i>Coming into force</i> -	<i>30th June 1989</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 119 of the Food Act 1984(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Tetrachloroethylene in Olive Oil Regulations 1989 and shall come into force on 30th June 1989.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Food Act 1984;

“the Commission Regulation” means Commission Regulation (EEC) No. 1860/88(c) establishing special marketing standards for olive oil;

“the Council Regulation” means Council Regulation No. 136/66/EEC(d) on the establishment of a common organisation of the market in oils and fats as amended in particular by Council Regulation (EEC) No. 1915/87(e);

“oil” means any olive oil and olive-pomace oil referred to in Article 35 of the Council Regulation and described and defined in the Annex to that Regulation;

“sell” includes offer or expose for sale or have in possession for sale, and

“sale” and “sold” shall be construed accordingly.

**Offence relating to tetrachloroethylene in olive oil**

3.—(1) Subject to paragraph (2) of this regulation, a person who contravenes Article 1 of the Commission Regulation (which prohibits the retail sale of oil with a tetrachloroethylene content of more than 0.1 milligram per kilogram) commits an offence under this regulation.

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(a) 1984 c.30; section 132(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) In the case of the Secretary of State for Health by virtue of S.I. 1988/1843.

(c) OJ No. L166, 1.7.88, p.16.

(d) OJ No. 172, 30.9.66, p.3025/66 (OJ/SE 1965–66 p.221).

(e) OJ No. L183, 3.7.87, p.7.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding £2,000.

(3) Each food and drugs authority shall enforce and execute such provisions in its area.

#### Method of analysis

4.—(1) The method of analysis to be used to determine the tetrachloroethylene content of oil shall be that set out in Annex X to Commission Regulation (EEC) No. 1058/77(a) (concerning the characteristics of olive oil) and evidence of an analysis carried out by that method shall, where any other method is used in accordance with paragraph (2) below, be preferred to evidence of that other method.

(2) Until 31st October 1989 any other method of analysis may be used which—

- (a) is sufficiently accurate and precise to determine that the tetrachloroethylene content of oil does not exceed the specified content of 0.1 milligram per kilogram, and
- (b) before its use, has been communicated to the Commission by the United Kingdom authorities or, where appropriate, by any other Member State.

#### Application of various provisions of the Act

5.—(1) Without prejudice to the provisions of the Act which specifically apply in respect of Regulations made thereunder and subject to paragraph (2) of this regulation, the following provisions of the Act shall apply for the purposes of these Regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these Regulations—

- (a) section 95(5) and (6) (which relates to prosecutions);
- (b) section 97(1), (2) and (3) (which relates to evidence of analysis);
- (c) section 99 (which relates to analysis by the Government Chemist);
- (d) section 100 (which relates to a contravention due to another's fault);
- (e) section 102(2) (which relates to a warranty pleaded as a defence);
- (f) section 103 (which relates to offences as to warranties and certificates of analysis).

(2) Section 99 of the Act shall apply for the purposes of these Regulations as if the reference therein to section 95(6) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th May 1989.



*John MacGregor*  
Minister of Agriculture, Fisheries and Food

22nd May 1989

*Kenneth Clarke*  
Secretary of State for Health

16th May 1989

*Peter Walker*  
Secretary of State for Wales

(a) OJ No. L128, 24.5.77, p.6, as amended in particular by Commission Regulation (EEC) No. 1858/88, OJ No. L166, 1.7.88, p.10.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 30th June 1989, make provision for the enforcement of Article 1 of Commission Regulation (EEC) No. 1860/88 on the establishment of special marketing standards for olive oil (OJ No. L166, 1.7.88, p.16). Article 1 of the Commission Regulation provides that olive oils and olive-pomace oils with a tetrachloroethylene content of more than 0.1 milligram per kilogram may not be offered for retail sale.

The Regulations also prescribe the method of analysis to be used in determining the tetrachloroethylene content as that set out in Commission Regulation (EEC) No. 1058/77 (OJ No. L128, 24.5.77, p.6) on the characteristics of olive oil, as amended in particular by Commission Regulation (EEC) No. 1858/88 (OJ No. L166, 1.7.88, p.10). Provision is made until 31st October 1989 for other methods to be used.