
STATUTORY INSTRUMENTS

1992 No. 496

FOOD

The Tin in Food Regulations 1992

<i>Made</i>	- - - -	<i>4th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>9th April 1992</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 6(4), 16(1)(a), 18(1)(c), 26(1) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48 of the said Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations:—

Title and commencement

1. These Regulations may be cited as the Tin in Food Regulations 1992 and shall come into force on 9th April 1992.

Interpretation

2. In these Regulations, unless the context otherwise requires, “the Act” means the Food Safety Act 1990.

Scope

- 3.—(1) These Regulations do not apply to any food—
- (a) which is not intended for sale for human consumption; or
 - (b) which is supplied for consumption by a visiting force; or
 - (c) which is supplied by the service authorities of a visiting force to—
 - (i) a headquarters,
 - (ii) members of such a force or headquarters, or
 - (iii) property held or used by such force or headquarters.

- (2) For the purposes of paragraph (1) above—
- (a) “visiting force” (for the purpose of sub-paragraph (b)) and “service authority” (for the purpose of sub-paragraph (c)) shall have the meanings assigned to them, for the purposes of any provision in Part I of the Visiting Forces Act 1952(2), by section 12 of that Act;
 - (b) “visiting force” and “headquarters” shall for the purpose of sub-paragraph (c) have the meanings assigned to them by article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(3).

Sale, etc. of food containing tin

4. No person shall sell, or import into Great Britain, any food containing a level of tin exceeding 200 milligrams per kilogram of such food.

Penalties and enforcement

5.—(1) If any person contravenes or fails to comply with the foregoing provision of these Regulations, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subject to the following provisions of this regulation, each food authority shall enforce within its area the provisions of these Regulations.

(3) Each port health authority shall enforce within its district the provisions of these Regulations.

(4) In this regulation “food authority” does not include the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Defences

6. In any proceedings for an offence against these Regulations it shall be a defence for the person charged to prove that the food, in respect of which the offence is alleged to have been committed—

- (a) was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence;
- (b) was prepared and labelled for sale before 9th April 1992; or
- (c) was imported before 9th April 1992.

Application of various provisions of the Food Safety Act 1990

7.—(1) The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 36 (offences by bodies corporate);

(2) 1952 c. 67; the definition of “visiting force” in section 12 was amended by the Criminal Justice Act 1988 (c. 33), section 170 and Schedule 15, paragraph 14.

(3) S.I.1965/1536, amended by the Pakistan Act 1973 (c. 48), section 4; relevant amending instruments are S.I. 1987/928, 1989/1330.

(g) section 58(1) (which relates to territorial waters).

(2) Section 8(3) (which makes presumptions in the case of batches etc. of food) of the Act shall apply to food which it is an offence to sell under these Regulations as it applies to food which fails to comply with food safety requirements.

(3) Section 9 (inspection and seizure of suspected food) of the Act shall apply for the purposes of these Regulations as if food which it were an offence to sell under them were food which failed to comply with food safety requirements.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

4th March 1992.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health:

4th March 1992

Stephen Dorrell
Parliamentary Under Secretary of State,
Department of health

4th March 1992

David Hunt
Secretary of State for Wales

4th March 1992

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, come into force on 9th April 1992.

The Regulations prohibit the sale and importation of any food intended for human consumption which contains more than 200 milligrams of tin per kilogram of such food (Regulation 4). Food containing tin exceeding that limit may be treated as being unfit for human consumption and be liable to be seized and destroyed (Regulation 7(3)).