

1987 No. 38

## FOOD AND DRUGS

**Food (Revision of Penalties and Mode of Trial) Regulations  
(Northern Ireland) 1987***Made* . . . . . 4th February 1987*Coming into operation* . . . . . 9th March 1987

The Department of Health and Social Services(a), in exercise of the powers conferred by sections 4, 7, 13 and 68 of the Food and Drugs Act (Northern Ireland) 1958(b) and being a designated Department(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of the Food and Drugs Act (Northern Ireland) 1958 with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987 and shall come into operation on 9th March 1987.

*Summary Offences*

2. The regulations specified in column 1 of Schedule 1 are hereby amended by deleting everything following the word "liable" from the provision of the regulations specified in column 2 of Schedule 1 and substituting for the part of that provision so deleted the words "on summary conviction to a fine not exceeding £2,000."

*Offences triable either way*

3. The regulations specified in column 1 of Schedule 2 are hereby amended by deleting the word "liable" and everything following it from the provision of the regulations specified in column 2 of Schedule 2 and substituting for that part of that provision so deleted the words—

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(a) See S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I  
 (b) 1958 c. 27 (N.I.); as amended by Article 12 of, and Schedule 4 to, the Criminal Justice (Northern Ireland) Order 1986 (S.I. 1986/1883 (N.I. 15))  
 (c) Designated by S.I. 1972/1811  
 (d) 1972 c. 68; section 2 is subject to Schedule 2 to the Act and is to be read, as respects Northern Ireland, with Article 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)). The Fines and Penalties (Northern Ireland) Order 1984 is itself subject to the Criminal Penalties etc. (Increase) Order (Northern Ireland) 1984 (S.R. 1984 No. 253)

“liable—

- (a) on summary conviction, to a fine not exceeding £2,000; and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.”.

*Amendment of the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982*

4. Regulation 10 of the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982(a) shall be amended as follows—

- (a) in paragraph (1) for “£100” there shall be substituted “£2,000”; and
- (b) in paragraph (3) for “£50” there shall be substituted “£400”.

*Amendment of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1981*

5. In regulation 15 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1981(b) for all the words following “conviction” there shall be substituted—

“to,—

- (a) in the case of an offence under regulation 14, a fine not exceeding £1,000; and
- (b) in the case of any other offence under the regulations, a fine not exceeding £2,000.”.

*Offences committed before 9th March 1987*

6. Nothing in these regulations shall affect the mode of trial or punishment for an offence committed before 9th March 1987.

*Revocation*

7. The Food and Drugs (Penalties) Regulations (Northern Ireland) 1960(c) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 4th February 1987.

(L.S.)

Z. I. Davies

Under Secretary

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(a) S.R. 1982 No. 386

(b) S.R. 1981 No. 285; to which there are amendments not relevant to these regulations

(c) S.R. & O. (N.I.) 1960 No. 71

## Regulations whose Offences are to continue to be Summary Offences

	Column 1	Column 2
	<i>Statutory Rule</i>	<i>Provision amended</i>
S.R. & O. (N.I.) 1960 No. 160(a)	Food Standards (Miscellaneous Foods) Regulations (Northern Ireland) 1960	Regulation 6
S.R. & O. (N.I.) 1961 No. 98(a)	Arsenic in Food Regulations (Northern Ireland) 1961	Regulation 5
S.R. & O. (N.I.) 1961 No. 190(a)	Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961	Regulation 7(1)
S.R. & O. (N.I.) 1964 No. 6	Meat (Treatment) Regulations (Northern Ireland) 1964	Regulation 5
S.R. & O. (N.I.) 1966 No. 192(a)	Salad Cream Regulations (Northern Ireland) 1966	Regulation 8(1)
S.R. & O. (N.I.) 1966 No. 200	Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966	Regulation 6
S.R. & O. (N.I.) 1966 No. 205(a)	Butter Regulations (Northern Ireland) 1966	Regulation 7(1)
S.R. & O. (N.I.) 1967 No. 282(a)	Solvents in Food Regulations (Northern Ireland) 1967	Regulation 8(1)
S.R. & O. (N.I.) 1968 No. 3(a)	Margarine Regulations (Northern Ireland) 1968	Regulation 11(1)
S.R. & O. (N.I.) 1968 No. 13(a)	Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968	Regulation 10(1)
S.R. & O. (N.I.) 1970 No. 14(a)	Cheese Regulations (Northern Ireland) 1970	Regulation 16(1)
S.R. & O. (N.I.) 1970 No. 194(a)	Cream Regulations (Northern Ireland) 1970	Regulation 11(1)
S.R. & O. (N.I.) 1973 No. 466(a)	Colouring Matter in Food Regulations (Northern Ireland) 1973	Regulation 9(1)

(a) To which there are amendments not relevant to these regulations

Column 1		Column 2
	<i>Statutory Rule</i>	<i>Provision amended</i>
S.R. 1976 No. 165(a)	Specified Sugar Products Regulations (Northern Ireland) 1976	Regulation 10(1)
S.R. 1976 No. 183(a)	Cocoa and Chocolate Products Regulations (Northern Ireland) 1976	Regulation 16(1)
S.R. 1976 No. 357(a)	Soft Drinks Regulations (Northern Ireland) 1976	Regulation 16(1)
S.R. 1976 No. 387(a)	Honey Regulations (Northern Ireland) 1976	Regulation 10(1)
S.R. 1977 No. 8	Drinking Milk Regulations (Northern Ireland) 1977	Regulation 8(1)
S.R. 1977 No. 135(a)	Erucic Acid in Food Regulations (Northern Ireland) 1977	Regulation 5(1)
S.R. 1977 No. 182(a)	Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977	Regulation 12(1)
S.R. 1977 No. 196(a)	Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977	Regulation 10(1)
S.R. 1978 No. 112(a)	Antioxidants in Food Regulations (Northern Ireland) 1978	Regulation 8(1)
S.R. 1979 No. 51(a)	Coffee and Coffee Products Regulations (Northern Ireland) 1979	Regulation 10(1)
S.R. 1979 No. 407(a)	Lead In Food Regulations (Northern Ireland) 1979	Regulation 6(1)
S.R. 1980 No. 28(a)	Preservatives in Food Regulations (Northern Ireland) 1980	Regulation 9(1)
S.R. 1980 No. 75	Chloroform in Food Regulations (Northern Ireland) 1980	Regulation 6(1)
S.R. 1981 No. 193(a)	Miscellaneous Additives in Food Regulations (Northern Ireland) 1981	Regulation 7(1)

(a) To which there are amendments not relevant to these regulations

Column 1		Column 2
<i>Statutory Rule</i>		<i>Provision amended</i>
S.R. 1981 No. 194(a)	Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981	Regulation 8(1)
S.R. 1982 No. 105(a)	Jam and Similar Products Regulations (Northern Ireland) 1982	Regulation 16(1)
S.R. 1983 No. 265(a)	Sweeteners in Food Regulations (Northern Ireland) 1983	Regulation 9(1)
S.R. 1984 No. 406	Bread and Flour Regulations (Northern Ireland) 1984	Regulation 11
S.R. 1984 No. 407(a)	Food Labelling Regulations (Northern Ireland) 1984	Regulation 40
S.R. 1984 No. 408(a)	Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984	Regulation 15(1)
S.R. 1986 No. 40	Caseins and Caseinates Regulations (Northern Ireland) 1986	Regulation 7

(a) To which there are amendments not relevant to these regulations

## SCHEDULE 2

Regulation 3

## Regulations whose Offences are Triable either Way

	Column 1	Column 2
	<i>Statutory Rule</i>	<i>Provision amended</i>
S.R. & O. (N.I.) 1963 No. 162(a)	Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963	Regulation 32
S.R. & O. (N.I.) 1963 No. 244	Liquid Egg (Pasteurisation) Regulations (Northern Ireland) 1963	Regulation 4
S.R. & O. (N.I.) 1964 No. 129(a)	Food Hygiene (General) Regulations (Northern Ireland) 1964	Regulation 38
S.R. & O. (N.I.) 1967 No. 51(a)	Food (Control of Irradiation) Regulations (Northern Ireland) 1967	Regulation 5
S.R. & O. (N.I.) 1970 No. 144(a)	Food Hygiene (Docks, Carriers, etc.) Regulations (Northern Ireland) 1970	Regulation 23
S.R. & O. (N.I.) 1973 No. 453	Shell-fish Regulations (Northern Ireland) 1973	Regulation 12(1)
S.R. 1984 No. 402	Meat Inspection Regulations (Northern Ireland) 1984	Regulation 16(1)
S.R. 1984 No. 416	Meat (Sterilisation and Staining) Regulations (Northern Ireland) 1984	Regulation 27(1)

(a). To which there are amendments not relevant to these regulations

## EXPLANATORY NOTE

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

These regulations, which come into operation on 9th March 1987, amend a large number of regulations relating to food so as to alter the penalties for offences against those regulations. In many cases the mode of trial for prosecution of such offences is also altered. The amendments contained in regulations 2, 3, 6 and 7 and Schedules 1 and 2 are consequential upon amendments made to the Food and Drugs Act (Northern Ireland) 1958 by the Criminal Justice (Northern Ireland) Order 1986 (S.I. 1986/1883 (N.I. 15)).

Offences against the regulations listed in Schedule 1 continue to be summary offences. The maximum penalty which may be imposed for such offences is increased to £2,000 and the liability to a prison sentence is removed (regulation 2).

Offences against the regulations listed in Schedule 2 become triable either summarily or on indictment. The maximum fine on summary conviction of such offences is increased to £2,000. The maximum penalty on conviction on indictment is an unlimited fine or imprisonment for up to two years, or both (regulation 3).

The amendments contained in regulations 4 and 5 are consequential upon Article 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) and the Criminal Penalties, etc. (Increase) Order (Northern Ireland) 1984 (S.R. 1984 No. 253). Special increases are provided in penalties for obstruction offences under the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982 (regulation 4) and the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1981 (regulation 5).

The amendments do not affect the penalty for, or mode of trial of, any offence under the regulations so amended which was committed before the operative date of these regulations (regulation 6).

The regulations also revoke the Food and Drugs (Penalties) Regulations (Northern Ireland) 1960 (regulation 7).

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**1987 No. 39**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.