

1991 No. 344

FOOD

**The Food Safety (Exports) Regulations
(Northern Ireland) 1991**

Made *1st August 1991*

Coming into operation *9th September 1991*

The Department of Health and Social Services and the Department of Agriculture, being the Department concerned^(a), in exercise of the powers conferred by Articles 15(1), (2) and (3), 16(1), 25(1) and (3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling them in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Safety (Exports) Regulations (Northern Ireland) 1991 and shall come into operation on 9th September 1991.

Amendment of existing food related Regulations

2.—(1) After the last regulation in each of the Regulations specified in columns 1 and 2 of the Schedule there shall be inserted the following regulation numbered sequentially—

“Defences in relation to exports

In any proceedings for an offence under 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; or
- (b) was intended for export and was prepared and labelled for sale before 9th September 1991.”.

(2) The provisions of the Regulations, if any, specified in column 3 of the Schedule shall be revoked.

(a) The Department concerned — see Article 2(2) of the Order
(b) S.I. 1991/762 (N.I. 7)

*Amendment of the Materials and Articles in Contact with Food Regulations
(Northern Ireland) 1987*

3.—(1) After regulation 22 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987(a) there shall be inserted the following regulation—

“Defences in relation to exports

23. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the material or article 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; or

(b) was intended for export and was prepared and labelled for sale before 9th September 1991.”.

(2) Regulation 3(c) of those Regulations shall be revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 31st July 1991.

(L.S.)

J. Scott

Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on 1st August 1991.

(L.S.)

P. T. Toal

Assistant Secretary

Amendments to Regulations

Column 1	Column 2	Column 3
<i>S.R. & O./ S.R. Number</i>	<i>Title</i>	<i>Provisions Revoked</i>
1961 No. 98	Arsenic in Food Regulations (Northern Ireland) 1961	
1961 No. 190	Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961	Regulation 9(2)(b)
1966 No. 192	Salad Cream Regulations (Northern Ireland) 1966	Regulation 3(a)
1966 No. 200	Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966	Regulation 3(1)(h)
1966 No. 205	Butter Regulations (Northern Ireland) 1966	Regulation 3(a)
1967 No. 282	Solvents in Food Regulations (Northern Ireland) 1967	Regulation 3
1968 No. 3	Margarine Regulations (Northern Ireland) 1968	Regulation 3(a)
1968 No. 13	Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968	Regulation 3(a)
1970 No. 14	Cheese Regulations (Northern Ireland) 1970	Regulation 3(a)
1970 No. 194	Cream Regulations (Northern Ireland) 1970	Regulation 3(a)
1973 No. 466	Colouring Matter in Food Regulations (Northern Ireland) 1973	Regulation 3(a)
1976 No. 165	Specified Sugar Products Regulations (Northern Ireland) 1976	Regulation 3(a)
1976 No. 183	Cocoa and Chocolate Products Regulations (Northern Ireland) 1976	Regulation 3(a)
1976 No. 357	Soft Drinks Regulations (Northern Ireland) 1976	Regulation 4(1)(a)
1976 No. 387	Honey Regulations (Northern Ireland) 1976	Regulation 3(a)

Column 1	Column 2	Column 3
<i>S.R. & O./ S.R. Number</i>	<i>Title</i>	<i>Provisions Revoked</i>
1977 No. 8	Drinking Milk Regulations (Northern Ireland) 1977	Regulation 3
1977 No. 135	Erucic Acid in Food Regulations (Northern Ireland) 1977	Regulation 3(a)
1977 No. 182	Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977	Regulation 3(1)(a)
1977 No. 196	Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977	Regulation 3(1)(b)
1978 No. 112	Antioxidants in Food Regulations (Northern Ireland) 1978	Regulation 3
1979 No. 51	Coffee and Coffee Products Regulations (Northern Ireland) 1979	Regulation 3(a)
1979 No. 407	Lead in Food Regulations (Northern Ireland) 1979	Regulation 3(b)
1980 No. 75	Chloroform in Food Regulations (Northern Ireland) 1980	Regulation 3(1)(a)
1981 No. 193	Miscellaneous Additives in Food Regulations (Northern Ireland) 1981	Regulation 3
1982 No. 105	Jam and Similar Products Regulations (Northern Ireland) 1982	Regulation 3(1)(b) except for the word "or" at the end
1983 No. 265	Sweeteners in Food Regulations (Northern Ireland) 1983	The word "or" at the end of regulation 3(a) and regulation 3(b)
1984 No. 406	Bread and Flour Regulations (Northern Ireland) 1984	Regulation 3(b)
1984 No. 407	Food Labelling Regulations (Northern Ireland) 1984	Regulation 3(2)(b) except for the word "or" at the end
1984 No. 408	Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984	Regulation 3(2)(b)

Column 1	Column 2	Column 3
<i>S.R. & O./ S.R. Number</i>	<i>Title</i>	<i>Provisions Revoked</i>
1985 No. 120	Natural Mineral Waters Regulations (Northern Ireland) 1985	Regulation 3(1)(a); in regulation 3(2) the words "or for export to any other place within the European Economic Community"
1986 No. 40	Caseins and Caseinates Regulations (Northern Ireland) 1986	Regulation 3(c)
1987 No. 229	Milk Regulations (Northern Ireland) 1987	
1989 No. 152	Preservatives in Food Regulations (Northern Ireland) 1989	Regulation 3
1989 No. 308	Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1989	Regulation 3

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Articles 2 and 3 of Council Directive 89/397/EEC (O.J. No. L186, 30.6.89, p. 23), on the approximation of the laws of the Member States relating to food and materials and articles intended to come into contact with food, as read with the ninth recital to that Directive.

The Regulations replace provisions excluding food destined for export from each of the Regulations (except the Arsenic in Food Regulations (Northern Ireland) 1961 and the Milk Regulations (Northern Ireland) 1987) listed in the Schedule by a defence relating to offences under those Regulations. The defence is available to a person who proves that the food, in respect of which the offence is alleged to have been committed, was intended for export and complied with the importing country's relevant legislation. There is a transitional provision to cover food intended for export which has been prepared and labelled for sale before 9th September 1991, when the Regulations come into operation. The Regulations replace an export exclusion by a similar defence and transitional provision in the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987, as amended.

The Regulations also add a similar defence and transitional provision to the Arsenic in Food Regulations (Northern Ireland) 1961 and the Milk Regulations (Northern Ireland) 1987.