

1992 No. 166

FOOD

The Tin in Food Regulations (Northern Ireland) 1992

Made 26th March 1992

Coming into operation 30th April 1992

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(a) and (f), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tin in Food Regulations (Northern Ireland) 1992 and shall come into operation on 30th April 1992.

(2) In these Regulations “the Order” means the Food Safety (Northern Ireland) Order 1991.

Scope

2.—(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)—

- (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(b), 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)

(a) S.I. 1991/762 (N.I. 7)

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

of the Visiting Forces and International Headquarters (Application of Law) Order 1965(a).

Sale, etc. of food containing tin

3. No person shall sell or import into Northern Ireland any food containing a level of tin exceeding 200 milligrams per kilogram of such food.

Penalties and enforcement

4.—(1) If any person contravenes any of the foregoing provisions, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.

(2) These Regulations shall be enforced and executed by each district council within its district.

Defences

5. 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 30th April 1992; or
- (c) was imported before 30th April 1992.

Application of various provisions of the Order

6.—(1) The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 and 14 of the Order and, unless the context otherwise requires, any reference in them to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) Article 2(4) (extended meaning of "sale" etc.);
- (b) Article 2(6) (which relates to territorial waters);
- (c) Article 3 (application to food offered as prizes, etc.);
- (d) Article 4 (presumptions that food is intended for human consumption);
- (e) Article 19 (offences due to fault of another person);
- (f) Article 20 (defence of due diligence);
- (g) Article 30(8) (which relates to documentary evidence).

(2) Article 7(2) (which makes presumptions in the case of batches etc. of food) of the Order 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.

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

(3) Article 8 (inspection and seizure of suspected food) of the Order 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.

Sealed with the Official Seal of the Department of Health and Social Services on 26th March 1992.

(L.S.)

J. Scott

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These 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 3). Food containing tin exceeding that limit may be treated as being unfit for human consumption and be liable to be seized and destroyed (regulation 6(3)).