
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 383

Food Labelling Regulations (Northern Ireland) 1996

Part V

Revocations, Amendments and Transitional Provision

Revocations and amendments

49.—(1) The statutory provisions specified in Columns 1 and 2 of Schedule 9 shall be revoked to the extent specified in Column 3 of that Schedule.

(2) In the Specified Sugar Products Regulations (Northern Ireland) 1976⁽¹⁾, in paragraph (1) of regulation 2 (interpretation), for the definition of “sugar confectionery” there shall be substituted—

““sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes a sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;”.

(3) In the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976⁽²⁾, in paragraph 2(c) of regulation 7 (declaration of the presence of certain ingredients in chocolate products), for “regulation 22 of the Labelling of Food Regulations (Northern Ireland) 1970, as amended”, there shall be substituted “regulations 40 and 41 of, as read with items 4 and 5 of Part II of Schedule 6 to, the Food Labelling Regulations (Northern Ireland) 1996”.

(4) In the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977⁽³⁾—

(a) in—

(i) paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, and

(ii) paragraph (9) of regulation 7 (miscellaneous labelling),
for “1984” there shall be substituted “1996”;

(b) in—

(i) paragraph (1) of regulation 4 (name of the food),

(ii) regulation 6 (list of ingredients), and

(iii) paragraph 7(b)(iii) of regulation 7,

for “1981” there shall be substituted “1996”;

(c) in paragraph (8) of regulation 7, for sub-paragraph (d) there shall be substituted—

⁽¹⁾ S.R. 1976 No. 165; relevant amending Regulations are S.R. 1981 No. 305

⁽²⁾ S.R. 1976 No. 183, to which there are amendments not relevant to these Regulations

⁽³⁾ S.R. 1977 No. 182; relevant amending Regulations are S.R. 1983 No. 48 and S.R. 1991 No. 251

- “(d) food to which regulation 27 of the Food Labelling Regulations (Northern Ireland) 1996 (which relates to certain food sold at catering establishments) applies.”, and
- (d) in regulation 8 (manner of marking or labelling), for “Regulations 31 to 33 of the Food Labelling Regulations (Northern Ireland) 1981” at the beginning, and “Food Labelling Regulations (Northern Ireland) 1981” at the end, there shall be substituted, at the beginning “Regulations 35, 36 and 38 of the Food Labelling Regulations (Northern Ireland) 1996” and, at the end “Food Labelling Regulations (Northern Ireland) 1996”.
- (5) In the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(4)—
- (a) in paragraph (1) of regulation 5 (labelling and description of condensed milk and dried milk products for retail sale), for “Food Labelling Regulations (Northern Ireland) 1984” in the first place that it occurs, and, in sub-paragraph (a), for “regulation 7(1) of the Food Labelling Regulations (Northern Ireland) 1984”, there shall be substituted, in the said first place, “Food Labelling Regulations (Northern Ireland) 1996” and, in sub-paragraph (a), “regulation 6(1) of the Food Labelling Regulations (Northern Ireland) 1996”;
- (b) in paragraph (1) of regulation 6 (manner of marking or labelling for retail sale), for “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations (Northern Ireland) 1984” at the beginning, and “Food Labelling Regulations (Northern Ireland) 1984” at the end, there shall be substituted, at the beginning, “Regulations 35 and 38 of the Food Labelling Regulations (Northern Ireland) 1996” and, at the end, “Food Labelling Regulations (Northern Ireland) 1996”, and
- (c) in paragraph (2) of regulation 6, for “regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “regulation 20 of the Food Labelling Regulations (Northern Ireland) 1996”;
- (6) In the Coffee and Coffee Products Regulations (Northern Ireland) 1979(5)—
- (a) in paragraph (1) of regulation 5 (labelling and description of designated products for retail sale), for “Food Labelling Regulations (Northern Ireland) 1984” in the first and last places that it occurs, and, in sub-paragraph (a), for “regulation 7(1) of the Food Labelling Regulations (Northern Ireland) 1984”, there shall be substituted, in the said first and last places, “Food Labelling Regulations (Northern Ireland) 1996” and, in sub-paragraph (a), “regulation 6(1) of the Food Labelling Regulations (Northern Ireland) 1996”;
- (b) in paragraph (1) of regulation 6 (manner of marking or labelling), for “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations (Northern Ireland) 1984” at the beginning, and “Food Labelling Regulations (Northern Ireland) 1984” at the end, there shall be substituted, at the beginning, “Regulations 35 and 38 of the Food Labelling Regulations (Northern Ireland) 1996” and, at the end, “Food Labelling Regulations (Northern Ireland) 1996”, and
- (c) in paragraph (2) of regulation 6, for “regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “regulation 20 of the Food Labelling Regulations (Northern Ireland) 1996”.
- (7) In the Jam and Similar Products Regulations (Northern Ireland) 1982(6)—
- (a) in—
- (i) paragraph (1) of regulation 2 (interpretation), in the definitions of “additive”, “ingredient”, “labelling” and “prepacked”,
- (ii) paragraph (1) of regulation 5 (name of the food),

(4) S.R. 1977 No. 196; relevant amending Regulations are S.R. 1987 No. 65

(5) S.R. 1979 No. 51; relevant amending Regulations are S.R. 1988 No. 23

(6) S.R. 1982 No. 105; relevant amending Regulations are S.R. 1982 No. 398 and S.R. 1990 No. 388

- (iii) paragraph (1) of regulation 7 (list of ingredients), and
 - (iv) sub-paragraph (c) of regulation 9 (field of vision),for “1981” there shall be substituted “1996”;
- (b) in paragraph (1) of regulation 7A, for “1984” there shall be substituted “1996”;
- (c) in paragraph (7) of regulation 8 (miscellaneous labelling requirements), for sub-paragraph (c) there shall be substituted—
 - “(c) food to which regulation 27 of the Food Labelling Regulations (Northern Ireland) 1996 (which relates to certain foods sold at catering establishments) applies.”, and
- (d) in regulation 10 (manner of marking or labelling), for “Regulations 31 to 33 of the Food Labelling Regulations (Northern Ireland) 1981” at the beginning, and “Food Labelling Regulations (Northern Ireland) 1981” at the end there shall be substituted, at the beginning, “Regulations 35, 36 and 38 of the Food Labelling Regulations (Northern Ireland) 1996” and, at the end, “Food Labelling Regulations (Northern Ireland) 1996”.
- (8) In the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984(7)—
 - (a) in paragraph (1) of regulation 2 (interpretation), after the definition of “prepacked” there shall be inserted—
 - ““prepacked for direct sale” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996.”,
 - (b) in—
 - (i) paragraph (1) of regulation 2 (interpretation), in the definitions of “catering establishment”, “ingredient”, “labelling”, “prepacked” and “ultimate consumer”;
 - (ii) paragraph (1) of regulation 4 (restrictions on the use of certain names);
 - (iii) paragraph (2) of regulation 5 (name of the food for certain meat products);
 - (iv) paragraphs (2) and 6(c) of regulation 10 (miscellaneous provisions relating to declarations), and
 - (v) paragraph (2)(c) of regulation 11 (lean meat content),for “1984” there shall be substituted “1996”;
 - (c) in paragraph (1) of regulation 6 (list of ingredients), for “regulation 15(1) of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “regulation 14(1) of the Food Labelling Regulations (Northern Ireland) 1996”;
 - (d) in paragraph (1)(a) of regulation 10 the words “(within the meaning of regulation 24 of the Food Labelling Regulations (Northern Ireland) 1984)” shall be deleted;
 - (e) in paragraph (4) of regulation 10, for “Regulations 32, 33 and 34 of the Food Labelling Regulations (Northern Ireland) 1984” at the beginning, and “Food Labelling Regulations (Northern Ireland) 1984” at the end, there shall be substituted, at the beginning, “Regulations 35, 36 and 38 of the Food Labelling Regulations (Northern Ireland) 1996” and, at the end, “Food Labelling Regulations (Northern Ireland) 1996”;
 - (f) in paragraph (6) of regulation 10, for sub-paragraph (d) there shall be substituted—
 - “(d) food to which regulation 27 of the Food Labelling Regulations (Northern Ireland) 1996 (which relates to certain food sold at catering establishments) applies.”.

(9) In the Caseins and Caseinates Regulations (Northern Ireland) 1986(8), in paragraph (1) of regulation 5 (labelling of casein products), for “Food Labelling (Northern Ireland) Regulations 1984” there shall be substituted “Food Labelling Regulations (Northern Ireland) 1996”.

(10) In the Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990(9), in paragraph (1) of regulation 2 (interpretation and scope), in the definitions of “catering establishment”, “prepackaging” and “ultimate consumer”, for “1984” there shall be substituted “1996”.

(11) In the Food Premises (Registration) Regulations (Northern Ireland) 1992(10), in paragraph (2) of regulation 1 (citation, commencement and interpretation), in the definition of “ultimate consumer”, for “1984” there shall be substituted “1996”.

(12) In the Flavourings in Food Regulations (Northern Ireland) 1992(11)—

(a) in paragraph (4) of regulation 1 (interpretation), in the definition of “ultimate consumer”, for “1984” there shall be substituted “1996”;

(b) in sub-paragraph (b) of paragraph 2 of Part I of Schedule 3 (requirements for sales), for “regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984”, there shall be substituted “regulation 20 of the Food Labelling Regulations (Northern Ireland) 1996”.

(13) In the Food Additives Labelling Regulations (Northern Ireland) 1992(12)—

(a) in paragraph (2) of regulation 1 (interpretation), in the definition of “ultimate consumer”, for “1984” there shall be substituted “1996”;

(b) in paragraph 2(b)(iii) of Part I of Schedule 3 (requirement for sales), for “regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “regulation 20 of the Food Labelling Regulations (Northern Ireland) 1996”.

(14) In the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations (Northern Ireland) 1993(13), in paragraph (2) of regulation 1 (interpretation), in the definition of “ultimate consumer”, for “1984” there shall be substituted “1996”.

(15) In the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993(14), in Schedule 3 (requirements as to identification marks), for “Food Labelling (Amendment) Regulations (Northern Ireland) 1990 and the Food Labelling (Amendment) (Irradiated Food) Regulations (Northern Ireland) 1991” there shall be substituted “Food Labelling Regulations (Northern Ireland) 1996”.

(16) In the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations (Northern Ireland) 1993(15), in Schedule 1 (marking of consignments), in paragraph 1, for “Food Labelling Regulations (Northern Ireland) 1984 and subject to paragraph 4, All” there shall be substituted “Food Labelling Regulations (Northern Ireland) 1996 and subject to paragraph 4, all”.

(17) In the Egg Products Regulations (Northern Ireland) 1993(16), in paragraph 1 of Schedule 10 (marking of egg products), for “1984” there shall be substituted “1996”.

(18) In the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995(17)—

(a) in paragraph 2 of Part I (labelling) of, and paragraph 5 of Part II (health mark) of, Schedule 10 (labelling and health marking), for “regulation 27 of the Food Labelling

(8) S.R. 1986 No. 40, to which there are amendments not relevant to these Regulations

(9) S.R. 1990 No. 455, to which there are amendments not relevant to these Regulations

(10) S.R. 1992 No. 167, to which there are amendments not relevant to these Regulations

(11) S.R. 1992 No. 416, to which there are amendments not relevant to these Regulations

(12) S.R. 1992 No. 417, to which there are amendments not relevant to these Regulations

(13) S.R. 1993 No. 31

(14) S.R. 1993 No. 51, to which there are amendments not relevant to these Regulations

(15) S.R. 1993 No. 52; relevant amending Regulations are S.R. 1995 No. 112

(16) S.R. 1993 No. 329

(17) S.R. 1995 No. 201, to which there are amendments not relevant to these Regulations

Regulations (Northern Ireland) 1984” there shall be substituted “regulation 26 of the Food Labelling Regulations (Northern Ireland) 1996”, and

(b) in paragraph 3 of Part I of Schedule 10, for “1984” there shall be substituted “1996”.

(19) In the Food Safety (Temperature Control) Regulations (Northern Ireland) 1995⁽¹⁸⁾, in paragraph (1) of regulation 2 (interpretation)—

(a) for the definition of “shelf life” there shall be substituted—

“ “shelf life” means—

(a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations (Northern Ireland) 1996 (form of indication of minimum durability), the period up to and including the date required to be included in that indication;

(b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations (Northern Ireland) 1996 (form of indication of “use by” date), the period up to and including that date;” and

(b) in the definition of “special storage conditions” for “6(d) of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “5(d) of the Food Labelling Regulations (Northern Ireland) 1996”.

(20) In the Bread and Flour Regulations—

(a) in regulation 2 (interpretation), in the definitions of “ingredient” and “labelling”, for “1984” there shall be substituted “1996”;

(b) in regulation 5 (additional ingredients)—

(i) in paragraph (3), for “18 of the Food Labelling Regulations (Northern Ireland) 1984” there shall be substituted “17 of the Food Labelling Regulations (Northern Ireland) 1996”;

(ii) in paragraph (3)(a), for “15” there shall be substituted “14”;

(iii) in paragraph (3)(b), for “33” and “24” respectively there shall be substituted “36” and “23”.

Transitional provision

50.—(1) Subject to the following paragraphs, in any proceedings for an offence under these Regulations it shall be a defence to prove that—

(a) (i) the act was committed before 1st October 1997, or

(ii) the act was committed in relation to food prepacked before 1st October 1997; and

(b) the matters constituting the offence would not have constituted an offence under the Food Labelling Regulations (Northern Ireland) 1984⁽¹⁹⁾ or the Cheese and Cream Regulations (Northern Ireland) 1996⁽²⁰⁾ if those Regulations had been in operation when the act was committed or the food was prepacked.

(2) In any proceedings for an offence under regulation 44(1)(a), as read with—

(a) regulation 14(4) and Schedule 3, or

(b) regulation 14(9) and Schedule 4,

⁽¹⁸⁾ S.R. 1995 No. 377

⁽¹⁹⁾ S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1985 No. 120, S.R. 1987 No. 65, S.R. 1988 Nos. 23 and 433, S.R. 1989 No. 229, S.R. 1990 Nos. 37, 103 and 440, S.R. 1991 No. 216, S.R. 1992 Nos. 416 and 463, S.R. 1994 Nos. 214 and 270, S.R. 1995 Nos. 85 and 201 and S.R. 1996 No. 53

⁽²⁰⁾ S.R. 1996 No. 52

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paragraph (1) shall be read as if for “1st October 1997” there were substituted, in both places where it occurs, “1st October 1996”.

(3) In any proceedings for an offence under regulation 44(1)(a) as read with regulation 33, paragraph (1) shall be read as if for “1st October 1997” there were substituted “1st January 1997”.