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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 47**

**FOOD**

**Spreadable Fats (Marketing Standards)  
Regulations (Northern Ireland) 1996**

*Made* - - - - *28th February 1996*

*Coming into operation* *22nd April 1996*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(2), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991<sup>(1)</sup> and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said 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 and commencement**

1. These Regulations may be cited as the Spreadable Fats (Marketing Standards) Regulations (Northern Ireland) 1996 and shall come into operation on 22nd April 1996.

**Interpretation**

2.—(1) In these Regulations—

“Community provision” means a provision of the Council Regulation which is referred to in column 1 of Schedule 1, as read with any qualifying words relating to that provision in that column;

“the Council Regulation” means Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats<sup>(2)</sup>;

“EEA Agreement” means the Agreement on the European Economic Area<sup>(3)</sup> signed at Oporto on 2nd May 1992 as adjusted by the Protocol<sup>(4)</sup> signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“member State” means a member State of the European Community;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“sell” includes possess for sale, and offer, expose or advertise for sale;

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale;

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(1) S.I.1991/762 (N.I. 7). See Article 2(2) for the definitions of “regulations” and “the Department concerned”

(2) O.J. No. L316, 9.12.94, p. 2

(3) O.J. No. L1, 3.1.94, p. 1

(4) O.J. No. L1, 3.1.94, p. 571

“vitamin A” means vitamin A present as such or as its esters and includes beta-carotene on the basis that 6 micrograms of beta-carotene or 12 micrograms of other biologically active carotenoids equal one microgram of retinol equivalent;

“vitamin D” means the anti-rachitic vitamins.

(2) Other expressions used in these Regulations have the same meaning as in the Council Regulation.

### **Exemptions**

3.—(1) Subject to paragraph (2), in the absence of a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend it to refer to the Council Regulation, these Regulations shall not apply in respect of any spreadable fat to which the EEA Agreement applies and which—

- (a) is brought into Northern Ireland from an EEA State (other than a member State) in which it was lawfully produced and sold; and
- (b) is suitably labelled to give the name of the spreadable fat.

(2) Regulation 4 shall not apply in respect of any margarine which—

- (a) is brought into Northern Ireland from an EEA State in which it was lawfully produced and sold or from a member State in which it was in free circulation and lawfully sold; and
- (b) is suitably labelled to give the nature of the margarine.

(3) For the purposes of paragraph (2), “free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

### **Vitamin content of margarine**

4.—(1) Any margarine sold by retail shall contain in every 100 grams of such margarine—

- (a) not less than 800 micrograms and not more than 1000 micrograms of vitamin A, and
- (b) not less than 7.05 micrograms and not more than 8.82 micrograms of vitamin D,

and a proportionate amount in any part of 100 grams.

(2) No person shall sell by retail any margarine in contravention of this regulation.

### **Enforcement**

5. These Regulations and the Community provisions shall be enforced and executed by each district council within its district.

### **Offences and penalty**

6. If any person contravenes—

- (a) regulation 4, or
- (b) any Community provision,

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.

### **Defence in relation to exports**

7. In any proceedings under these Regulations it shall be a defence for the person charged to prove—

- (b) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that it complies with that legislation; and
- (b) that the legislation complies with the Council Regulation in the case of—
  - (i) export to a member State, or
  - (ii) where there is a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend it to refer to the Council Regulation, export to an EEA State which is not a member State.

### **Application of provisions of the Order**

**8.** 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 any reference in them to the Order shall be construed as a reference to these Regulations:

- (a) Articles 2(4) and 3 (extended meaning of “sale” etc);
- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence);
- (e) Article 21 (defence of publication in the course of business);
- (f) Article 30(8) (which relates to documentary evidence);
- (g) Article 34 (obstruction etc of officers).

### **Revocations**

**9.** The Regulations and order specified in Schedule 2 are hereby revoked to the extent specified in column 3 of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on

28th February 1996.

*D. A. Baker*  
Assistant Secretary

## SCHEDULE 1

Regulations 2(1), 5 and 6

## Community Provisions

Community Provision	Subject Matter
Article 2 (as read with Article 1)	Restrictions on marketing of spreadable fats
Article 3	Requirements relating to the labelling and presentation of spreadable fats
Article 4	Restriction on use of the term “traditional” with the name “butter”
Article 5	Restriction on use of terms relating to fat content
Article 7	Requirements relating to fats imported from third countries

## SCHEDULE 2

Regulation 9

## Revocations

Column 1	Column 2 Regulations and order revoked	Column 3 References	Extent of revocation
Butter Regulations (Northern Ireland) 1966	<a href="#">S.R. &amp; O. (N.I.) 1966 No. 205</a>	The whole Regulations	
Margarine Regulations (Northern Ireland) 1968	<a href="#">S.R. &amp; O. (N.I.) 1968 No. 3</a>	The whole Regulations	
Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 38</a>	The references to the Butter Regulations (Northern Ireland) 1966 and the Margarine Regulations (Northern Ireland) 1968 in Schedule 1	
Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 203</a>	The references to the Butter Regulations (Northern Ireland) 1966 and the Margarine Regulations (Northern Ireland) 1968 in Part I of Schedule 1 and in Schedules 3, 5 and 10	

Column 1	Column 2 Regulations and order revoked	Column 3 References	Extent of revocation
Food Safety (Exports) Regulations (Northern Ireland) 1991	S.R. <a href="#">1991 No. 344</a>	The references to the Butter Regulations (Northern Ireland) 1966 and the Margarine Regulations (Northern Ireland) 1968 in the Schedule	
Food (Forces Exemptions) (Revocations) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 464</a>	The references to the Butter Regulations (Northern Ireland) 1966 and the Margarine Regulations (Northern Ireland) 1968 in the Schedule	
Food Safety (Amendment) (Metrication) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 463</a>	Regulation 7	

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### EXPLANATORY NOTE

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

These Regulations make provision for the enforcement and execution of Council Regulation (EC) No. 2991/94 (O.J. No. L316, 9.12.94, p. 2) laying down standards for spreadable fats. In pursuance of Article 6 of that Regulation, the Regulations also re-enact requirements as to the vitamin content of margarine which were previously contained in the [Margarine Regulations \(Northern Ireland\) 1968 \(S.R. & O. \(N.I.\) 1968 No. 3\)](#), as amended (regulation 4), subject to an exemption (regulation 3(2)).

These Regulations—

- (a) specify that district councils are to enforce and execute these Regulations and the provisions of the Council Regulation referred to in column 1 (and briefly described in column 2) of Schedule 1 (regulation 5);
- (b) create offences and prescribe a penalty (regulation 6) and contain a limited exemption in respect of any spreadable fat to which the EEA Agreement applies and which is brought into Northern Ireland from an EEA State other than a member State (regulation 3(1));
- (c) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive 89/397 EEC (O.J. No. L186, 30.6.89, p. 23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 7);

- (d) incorporate specified provisions of the Food Safety (Northern Ireland) Order 1991 (regulation 8);
- (e) revoke the Regulations and order specified in Schedule 2 to the extent specified in that Schedule (regulation 9).

Article 11(2) of the Council Regulation provides that, notwithstanding Article 2(1), products on the market of a member State on 31st December 1995 which do not meet the requirements specified may be supplied or transferred until 31st December 1997.