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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 51**

**FOOD**

**Bread and Flour 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)(a), (e) and (f), 16(1), 25(1)(a) 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 Bread and Flour Regulations (Northern Ireland) 1996 and shall come into operation on 22nd April 1996.

**Interpretation**

2. In these Regulations—

“bread” means a food of any size, shape or form which—

- (a) is usually known as bread, and
- (b) consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked,

but does not include buns, bunloaves, chapattis, chollas, pitta bread, potato bread or bread specially prepared for coeliac sufferers;

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

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

“flour” means the product which is derived from, or separated during, the milling or grinding of cleaned cereal whether or not the cereal has been malted or subjected to any other process,

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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. L1, 3.1.94, p. 1

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

and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germ, semolina or grits;

“flour bleaching agent” means any food additive primarily used to remove colour from flour;

“flour treatment agent” means any food additive which is added to flour or dough to improve its baking quality;

“food additive” has the meaning assigned to it by the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(4);

“ingredient” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984(5);

“labelling” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984;

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

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

“sell” includes offer or expose for sale and includes have in possession for sale.

### **Exemptions**

3.—(1) These Regulations, except insofar as they relate to advertising, shall not apply to any food which is not intended for sale for human consumption.

(2) These Regulations shall not apply in respect of—

(a) any bread which 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; or

(b) any flour which is brought into Northern Ireland from a member State in which it was lawfully produced and sold or in which it was in free circulation and lawfully sold; and

which is suitably labelled to give the nature of the bread or flour.

(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.

### **Composition of flour**

4.—(1) Subject to paragraph (2), flour derived from wheat and from no other cereal, whether or not mixed with other flour, shall contain the substances specified in column 1 of Schedule 1 in accordance with the proportions and conditions prescribed in column 2 of that Schedule and with Schedule 2.

(a) (2) (a) The requirements specified for item 1 in column 2 of Schedule 1 shall not apply in the case of—

(i) wholemeal flour,

(ii) self raising flour which has a calcium content of not less than 0.2 per cent, and

(iii) wheat malt flour.

(b) The substances specified in items 2 to 4 of Schedule 1 shall, in the case of—

(i) wholemeal flour, be naturally present in the quantities specified in column 2 of that Schedule, and not added;

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(4) S.R. 1996 No 50

(5) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1989 No. 229

- (ii) flour other than wholemeal, be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.
- (3) Subject to paragraph (4)—
  - (a) no manufacturer of flour shall sell any flour which does not comply with this regulation; and
  - (b) no importer of flour shall—
    - (i) import into Northern Ireland any flour, or
    - (ii) sell any flour imported by him,which does not comply with this regulation.
- (4) This regulation shall not apply as respects any sale or importation into Northern Ireland of flour for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the substances referred to in Schedule 1.

#### **Additional ingredients**

5.—(1) Subject to paragraph (2), no person shall use as an ingredient in the preparation of flour or bread any enzyme preparation, flour bleaching agent or flour treatment agent other than an enzyme preparation, flour bleaching agent or flour treatment agent specified in column 1 of Schedule 3.

(2) No person shall use as an ingredient in the preparation of flour or bread any enzyme preparation, flour bleaching agent or flour treatment agent specified in column 1 of Schedule 3 unless—

- (a) the flour or bread is of a type specified in column 2 of that Schedule in relation to that enzyme preparation, flour bleaching agent or flour treatment agent; and
- (b) the quantity of the enzyme preparation, flour bleaching agent or flour treatment agent used in the flour or bread does not exceed the maximum quantity, if any, specified in the appropriate entry in column 3 of that Schedule, or, if no maximum quantity is so specified, the quantity of the enzyme preparation, flour bleaching agent or flour treatment agent used in the flour or bread accords with good manufacturing practice.

(3) Notwithstanding regulation 18 of the Food Labelling Regulations (Northern Ireland) 1984, where a flour treatment agent has been used as an ingredient of any bread an indication of the presence of flour treatment agent shall appear—

- (a) in the list of ingredients of the bread as prescribed by regulation 15 of the said Regulations, where the bread is marked or labelled with a list of ingredients; or
- (b) on a label, ticket or notice as prescribed by regulation 33 of the said Regulations, where by virtue of regulation 24 of the said Regulations the bread is not marked or labelled with a list of ingredients.

#### **Restrictions on the use of 'wholemeal' and 'wheat germ'**

6.—(1) There shall not be used in the labelling or advertising of bread, as part of the name of the bread, whether or not qualified by other words—

- (a) 'wholemeal', unless all the flour used as an ingredient in the preparation of the bread is wholemeal;
- (b) 'wheat germ', unless the bread has an added processed wheat germ content of not less than 10 per cent calculated on the dry matter of the bread.

(2) No person shall sell or advertise for sale any bread in contravention of this regulation.

### **Offences and penalties**

7. If any person contravenes regulation 4(3), 5 or 6(2) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Enforcement**

8. Each district council shall enforce and execute these Regulations within its district.

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

9. 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 was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation.

### **Transitional provisions**

10. In any proceedings for an offence against these Regulations it shall be a defence to prove that—

- (a) the act was committed before 1st July 1997; and
- (b) the matters constituting the offence would not have constituted an offence against the Bread and Flour Regulations (Northern Ireland) 1984 if those Regulations had been in operation when the act was committed.

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

11. 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).

### **Amendment of the Arsenic in Food Regulations (Northern Ireland) 1961**

12. In regulation 2(1) of the Arsenic in Food Regulations (Northern Ireland) 1961(6), in the definition of "flour", for "regulation 2(1) of the Bread and Flour Regulations (Northern Ireland) 1984" there shall be substituted "regulation 2 of the Bread and Flour Regulations (Northern Ireland) 1996".

### **Revocations**

13.—(1) The Regulations specified in column 1 of Schedule 4 are hereby revoked to the extent specified in column 3 of that Schedule.

(2) For the purposes of column 3 of Schedule 4 “the 1984 Regulations” means the Bread and Flour Regulations (Northern Ireland) 1984(7).

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

L.S.

28th February 1996.

*D. A. Baker*  
Assistant Secretary

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(7) S.R. 1984 No. 406; the relevant amending Regulations are S.R. 1989 Nos. 152 and 308, S.R. 1990 No. 78, S.R. 1991 No. 344 and S.R. 1992 No. 464

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4(1), (2) and (4)

Essential ingredients of flour

	Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
1.	Calcium carbonate	(a) (a) not less than 235, and (b) not more than 390, (c) conforming to the following— Description Fine white microcrystalline or amorphous powder. Content ... .. Not less than 97 per centum of CaCO <sub>3</sub> on a volatile matter-free basis. Volatile matter ... .. Not more than 1 per cent (determined by drying at 105°C to constant weight). Matter insoluble in hydrochloric acid ... .. Shall comply with the requirement for aluminium, iron, phosphate and matter insoluble in hydrochloric acid in the monograph for chalk in the British Pharmacopoeia 1973 at page 93.

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Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
	<p>Arsenic Not more than 5 mg per kg.</p> <p>Lead Not more than 20 mg per kg.</p> <p>Other inorganic impurities ... .. Not more than 100 mg per kg of any of the following substances, namely antimony, copper, chromium, zinc or barium sulphate, or more than 200 mg per kg of any combination of those substances.</p> <p>Particle size ... .. Not more than 0.1 per cent to remain on a sieve of nominal aperture size 150 µm and not more than 0.2 per cent to remain on a sieve of nominal aperture size 63 µm.</p>
2.	<p>Iron</p> <p>(a) (a) not less than 1.65</p> <p>(b) in the form of any, or any combination of two or more, of the following—</p>

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Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
	<p>(i) ferric ammonium citrate conforming to the criteria in the monograph for ferric ammonium citrate contained in the British Pharmacopoeia 1973 at page 201;</p> <p>(ii) green ferric ammonium citrate conforming to the criteria for ammonium ferric citrate contained in the British Pharmaceutical Codex 1973 at page 194;</p> <p>(iii) ferrous sulphate conforming to the criteria in the monograph for ferrous sulphate contained in the British Pharmacopoeia 1988 at page 245;</p> <p>(iv) dried ferrous sulphate conforming to the criteria in the monograph for dried ferrous sulphate</p>



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	Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
		<p>contained in the British Pharmacopoeia 1988 at page 245;</p> <p>(v) iron powder conforming to the description, specification and requirements contained in Schedule 2.</p>
3.	Thiamin (Vitamin B1)	<p>(a) (a) not less than 0.24</p> <p>(b) in a form conforming to the criteria in the monograph for thiamine hydrochloride contained in the British Pharmacopoeia 1980 at page 451.</p>
4.	<p>Nicotinic acid</p> <p>or Nicotinamide</p>	<p>(a) (a) not less than 1.60</p> <p>(b) in a form conforming to the criteria in the monograph for nicotinic acid contained in the British Pharmacopoeia 1973 at page 318.</p> <p>(a) (a) not less than 1.60</p> <p>(b) in a form conforming to the criteria in the monograph for nicotinamide contained in the British Pharmacopoeia 1980 at page 303.</p>

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## SCHEDULE 2

Regulation 4(1)

## Specification for iron powder

**Definition**

Iron powder shall consist essentially of finely-divided metallic iron containing not less than 90 per cent by weight of iron and conform to the following requirements.

<i>Chemical name</i>	Iron
<i>Symbol</i>	Fe

**Description**

Fine greyish-black powder of such granularity that not more than 0.1 per cent by weight shall remain on a British Standard 410:1969 wire sieve nominal aperture size 150 µm and not more than 5 per cent by weight on a British Standard 410:1969 wire sieve nominal aperture size 53 µm.

**Assay**

Accurately weigh 0.25 g of sample into a stoppered flask. Add a hot solution of 1.25 g of copper sulphate pentahydrate in 20 ml of water and shake for ten minutes. Filter rapidly and wash the filter with water; acidify the mixed filtrate and washings with sulphuric acid, and titrate with N/10 potassium permanganate. Each ml of N/10 potassium permanganate is equivalent to 0.005585 g of iron.

**Solubility**

Not less than 95 per cent of the iron content when determined by the following method.

Accurately weigh 0.1 g of sample into a 750 ml conical flask. Add 450 ml 0.2 per cent weight in weight hydrochloric acid previously warmed to 37°C. Stir continuously for three hours, maintaining the temperature at 37°C. Cool to room temperature and dilute to 500 ml with distilled water. Filter; determine the iron content of the filtrate by a suitable method. Calculate the total iron in solution as a percentage of the metallic iron content of the sample taken.

## SCHEDULE 3

Regulation 5

## Ingredients permitted in flour and bread

Column 1 Ingredient	Column 2 Types of Flour and Bread in which ingredient may be used	Column 3 Maximum quantity, if any, in milligrams per kilogram of flour
E220 Sulphur dioxide	All flour intended for use in the manufacture of biscuits or pastry except wholemeal	The total quantity of these additives used must not exceed 200 calculated as sulphur dioxide
E223 Sodium metabisulphite	All flour except wholemeal	200

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Column 1 Ingredient	Column 2 Types of Flour and Bread in which ingredient may be used	Column 3 Maximum quantity, if any, in milligrams per kilogram of flour
	All bread	
920 L-Cysteine hydrochloride	(a) (a) All flour used in the manufacture of biscuits, except wholemeal or flour to which E220 Sulphur dioxide or E223 Sodium metabisulphite has been added  (b) Other flour, except wholemeal. All bread, except wholemeal	300 75
925 Chlorine	All flour intended for use in the manufacture of cakes, except wholemeal	2,500
926 Chlorine dioxide	All flour, except wholemeal	30
<i>alpha</i> -Amylases	All bread, except wholemeal All flour	
Proteinases	All bread	
Hemicellulases		

## SCHEDULE 4

Regulation 13

## Revocations

Column 1 Regulations Revoked	Column 2 References	Column 3 Extent of Revocation
The Bread and Flour Regulations (Northern Ireland) 1984	<a href="#">S.R. 1984 No. 406</a>	The whole Regulations
The Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 38</a>	The reference in Schedule 1 to the 1984 Regulations
The Food Safety (Exports) Regulations (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 344</a>	The reference in the Schedule to the 1984 Regulations

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Column 1	Column 2	Column 3
Regulations Revoked	References	Extent of Revocation
The Food (Forces Exemptions) (Revocations) Regulations (Northern Ireland) 1992	S.R. 1992 No. 464	The reference in the Schedule to the 1984 Regulations

### EXPLANATORY NOTE

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

These Regulations supersede the Bread and Flour Regulations (Northern Ireland) 1984.

The Regulations—

- (a) provide for exemptions from the Regulations (regulation 3);
- (b) continue to require that wheat flour (subject to certain exceptions) be fortified with specified essential ingredients (regulation 4, Schedules 1 and 2);
- (c) restrict the use of specified ingredients in the preparation of flour and bread and require that an indication of the presence of a flour treatment agent be given in the case both of prepacked and of non-prepacked bread (regulation 5, Schedule 3);
- (d) reserve the names 'wholemeal' and 'wheat germ' for bread which complies with specified compositional requirements and prohibit the sale or advertising for sale using these names of bread which does not comply with the compositional requirements (regulation 6);
- (e) create offences and prescribe penalties (regulation 7);
- (f) specify the enforcement authority (regulation 8);
- (g) provide a defence in relation to exports in implementation of Article 2 and 3 of, as read with the ninth recital to, Council Directive No. 89/397/EEC (O.J. No. L186, 30.6.89, p. 23) on the official control of foodstuffs (regulation 9);
- (h) provide that for a transitional period a defence is available where there would not have been any contravention of the revoked Regulations (regulation 10);
- (i) apply various provisions of the Food Safety (Northern Ireland) Order 1991 (regulation 11);
- (j) amend and revoke specified Regulations (regulations 12 and 13).

The British Pharmacopoeia 1973, 1980 and 1988 and the British Pharmaceutical Codex 1973, referred to in Schedule 1, may be inspected at the Biomedical Library, Belfast City Hospital, Lisburn Road, Belfast BT9 7AB, tel. 01232-263913.