
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 52

FOOD

Cheese and Cream Regulations (Northern Ireland) 1996

Made - - - - *28th February 1996*

Coming into operation *22nd April 1996*

The Department of Health and Social Services and the Department of Agriculture being the Departments concerned⁽¹⁾ in exercise of the powers conferred on them by Articles 15(1)(a), (e) and (f), 16, 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽²⁾ 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 make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Cheese and Cream Regulations (Northern Ireland) 1996 and shall come into operation on 22nd April 1996.

Interpretation and application

2. In these Regulations—

“cheese” means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

- (a) in the case of any cheese other than whey cheese, by combining, by coagulation or by any technique involving coagulation, of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, buttermilk, materials obtained from milk, other ingredients necessary for the manufacture of cheese provided that those are not used for replacing, in whole or in part, any milk constituent, with or without partially draining the whey resulting from coagulation;
- (b) in the case of whey cheese—
 - (i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or
 - (ii) by coagulating whey with or without the addition of milk and milk fat;

(1) See S.I. 1991/762 (N.I. 7) Article 2(2) for the definitions of “the Department concerned” and “regulations” and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions

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

“cheese spread” means cheese which has been subjected to a process of melting and mixing with milk products other than cheese, with or without the addition of emulsifying salts;

“clotted cream” means cream which has been produced and separated by the scalding, cooling and skimming of milk or cream;

“cream” means that part of cows' milk rich in fat which has been separated by skimming or otherwise and which is intended for sale for human consumption;

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

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

“emulsifying salt” means any substance which converts proteins contained in cheese into a dispersed form thereby bringing about homogenous distribution of fat and other components;

“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

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

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

“processed cheese” means cheese which has been subjected to a process of melting and mixing with or without the addition of emulsifying salts;

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

“sterilised cream” means cream which has been subjected to a process of sterilisation by heat treatment in the container in which it is to be supplied to the consumer.

Exemption

3.—(1) These Regulations shall not apply in respect of—

- (a) any cream 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 cheese 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 is suitably labelled to give the nature of the cream or cheese.

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

Cheese containing enzymes

4. No person shall sell any cheese containing any enzyme other than—

- (a) in any case, an enzyme preparation capable of use and used for the purpose of coagulating milk in a manner suitable for cheese making,
- (b) in the case of processed cheese or cheese spread, an enzyme preparation suitable for the acceleration of ripening, and
- (c) in the case of Feta, Provolone, Pecorino or Romano cheese, lipases from animal sources for the purpose of flavour production.

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

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

Restrictions on the use of certain names of cheese

5.—(1) The name which appears in column 1 of the table in paragraph (2) shall not be used in the labelling of any cheese as the name of the cheese, whether or not qualified by other words, unless—

- (a) the amount of water contained in the cheese expressed as a percentage of the total weight of the cheese does not exceed the percentage stated in column 2 of the table opposite that name, and
- (b) the amount of milk fat in the cheese expressed as a percentage of the dry matter of the cheese is not less than 48%.

(2) The table referred to in paragraph (1) is as follows—

Column 1 Variety of cheese	Column 2 Maximum percentage of water
Cheddar	39
Blue Stilton	42
Derby	42
Leicester	42
Cheshire	44
Dunlop	44
Gloucester	44
Double Gloucester	44
Caerphilly	46
Wensleydale	46
White Stilton	46
Lancashire	48

(3) No person shall sell any cheese in the labelling of which a name is used in contravention of paragraph (1).

Restrictions on the use of certain names of cream

6.—(1) The name which appears in column 1 of the table in paragraph (2) shall not be used in the labelling of any cream as the name of the cream, whether or not qualified by other words, unless the cream complies with the requirements specified in column 2 of the table opposite that name except that the relevant requirement as to milk fat content need not be complied with if the name contains qualifying words which indicate that the milk fat content of the cream is greater or less than that specified in column 2 of the table, as the case may be.

(2) The table referred to in paragraph (1) is as follows—

Column 1	Column 2
clotted cream	the cream is clotted cream and contains not less than 55% milk fat;
double cream	the cream contains not less than 48% milk fat;
whipping cream	the cream contains not less than 35% milk fat;

Column 1	Column 2
whipped cream	the cream contains not less than 35% milk fat and has been whipped;
sterilised cream	the cream is sterilised cream and contains not less than 23% milk fat;
cream or single cream	the cream is not sterilised cream and contains not less than 18% milk fat;
sterilised half cream	the cream is sterilised cream and contains not less than 12% milk fat;
half cream	the cream is not sterilised cream and contains not less than 12% milk fat.

(3) No person shall sell any cream in the labelling of which a name is used in contravention of paragraph (1).

Defence

7. 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.

Offences, penalty and enforcement

8.—(1) If any person contravenes any of the provisions of these Regulations 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.

(2) Subject to paragraph (3), each district council shall enforce and execute these Regulations within its district.

(3) The Department of Agriculture shall enforce and execute these Regulations in relation to cream in liquid milk plants.

Transitional provisions

9. In any proceedings for an offence against these Regulations it shall be a defence to prove that—
- the act was committed before 1st July 1997; and
 - the matters constituting the offence would not have constituted an offence against the Regulations hereby revoked if those Regulations had been in operation when the act was committed.

Application of various provisions of the Order

10. 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—

- Articles 2(4) and 3 (extended meaning of “sale” etc.);
- Article 4 (presumptions that food intended for human consumption);
- Article 19 (offences due to fault of another person);

- (d) Article 20 (defence of due diligence);
- (e) Article 30(8) (which relates to documentary evidence);
- (f) Article 34 (obstruction, etc., of officers).

Revocations

- 11.** The Regulations listed in the Schedule are hereby revoked.

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

28th February 1996

D. A. Baker
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on

28th February 1996

P. T. Toal
Assistant Secretary

SCHEDULE

Regulation 11

Regulations Revoked

The Cheese Regulations (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 14
The Cream Regulations (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 194
The Cheese (Amendment) Regulations (Northern Ireland) 1974	S.R. 1974 No. 177
The Cream (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 15
The Cheese (Amendment) Regulations (Northern Ireland) 1984	S.R. 1984 No. 352

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations supersede the [Cheese Regulations \(Northern Ireland\) 1970 \(S.R. & O. \(N.I.\) 1970 No. 14\)](#) and the [Cream Regulations \(Northern Ireland\) 1970 \(S.R. & O. \(N.I.\) 1970 No. 194\)](#) which are revoked by these Regulations.

In certain circumstances cream and cheese brought into Northern Ireland from another European Economic Area State are exempt from the effects of the Regulations if they are suitably labelled to give the nature of the food (Regulation 3).

Controls are retained on the use of enzymes in the manufacture of cheese (Regulation 4). Certain varieties of cheese will continue to be subject to regulation as to description (Regulation 5).

Cream may now be sold without its having to bear a description chosen from a closed list of prescribed descriptions but if offered for sale as clotted cream, double cream, whipping cream, whipped cream, sterilised cream, cream or single cream or half cream it must, in the case of clotted cream, be clotted and, in the case of whipped cream, be whipped and, in all cases, it must contain the minimum percentage of fat prescribed for cream of the description chosen (Regulation 6).

A defence is provided 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).