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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 257**

**Sweeteners in Food (Amendment)  
Regulations (Northern Ireland) 1997**

**Amendment of the principal Regulations**

- 2.—(1) The principal Regulations shall be amended in accordance with paragraphs (a) to (f)—
- (a) in paragraph (1) of regulation 2 (interpretation)—
    - (i) in the definition of “Directive 94/35/EC” after “foodstuffs” there shall be inserted “, as amended by Directive 96/83/EC of the European Parliament and of the Council(1)”;
    - (ii) after the definition of “permitted sweetener” there shall be inserted—

“ “relevant compound foods” means compound foods with no added sugar or energy-reduced, compound dietary foods intended for a low-calorie diet and compound foods with a long shelf-life;”;
  - (b) in regulation 3 (sale and use of sweeteners)—
    - (i) in paragraphs (2) and (3), after “paragraph (3)” and “paragraph (4)” respectively, there shall be inserted “and regulation 5A”;
    - (ii) in paragraph (4) after “uses” there shall be inserted “(including any food for infants and young children not in good health)”;
  - (c) at the beginning of regulation 5 (sale of food containing sweeteners) there shall be inserted “Subject to regulation 5A,”;
  - (d) after regulation 5 there shall be inserted—

**“Compound foods**

**5A.—(1)** Where a permitted sweetener is present in or on a relevant compound food and that relevant compound food contains, as an ingredient, a food in or on which that sweetener was or could have been used without contravening any of the provisions of paragraph (2) or (3) of regulation 3, that sweetener shall, for the purposes of those paragraphs and regulation 5, be deemed to have been used in or on that relevant compound food without contravening any of the provisions of those paragraphs.

(2) The use in or on a food of any permitted sweetener shall not constitute a contravention of paragraph (2) or (3) of regulation 3 if that food is destined to be used solely in the preparation of a compound food which complies with those paragraphs and sale of the food in or on which the permitted sweetener was used shall not constitute a contravention of regulation 5.”;

- (e) in regulation 11 (transitional provision and exemption)—
  - (i) after paragraph (1) there shall be inserted—

“(1A) In any proceedings for an offence under these Regulations which allege a contravention of regulation 3(1), 4 or 5 it shall be a defence to prove that—

(a) the act—

(i) was committed before 19th June 1998, or

(ii) was that of selling a sweetener or food which, in either case, was put on the market or labelled before 19th June 1998; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 1997 had not been made when the act was committed or, as the case may be, the food was put on the market or labelled.”;

(ii) for paragraph (2) there shall be substituted—

“(2) These Regulations shall not apply in respect of any sweetener or, as the case may be, food which is brought into Northern Ireland having been lawfully put on the market or labelled in another member State before 30th June 1996.”; and

(iii) paragraph (3) shall be deleted; and

(f) the contents of the Schedule to these Regulations shall be substituted for Schedule 1.