
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 340

FOOD

**Miscellaneous Food Additives (Amendment)
Regulations (Northern Ireland) 1997**

Made - - - - *23rd July 1997*

Coming into operation *8th September 1997*

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), 16(1), 17(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 8th September 1997.

(2) In these Regulations “the principal Regulations” means the Miscellaneous Food Additives Regulations (Northern Ireland) 1996⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 10.

3. In regulation 2(1) (interpretation)—

(a) in the definition of “Directive 95/2/EC” there shall be inserted at the end “, as amended by European Parliament and Council Directive 96/85/EC⁽⁴⁾”;

(b) after the definition of “Directive 95/2/EC” there shall be inserted—

(1) See Article 2(2) of S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) 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) as amended by S.I. 1996/1633 (N.I. 12)

(3) S.R. 1996 No. 50

(4) O.J. No. L86, 28.3.97, p. 4

““Directive [96/77/EC](#)” means Commission Directive [96/77/EC](#)(5) laying down specific purity criteria on food additives other than colours and sweeteners;”;

(c) for the definition of “purity criteria” there shall be substituted—

““purity criteria”, in relation to a miscellaneous additive, means—

- (a) in the case of a miscellaneous additive for which purity criteria are set out in the Annex to Directive [96/77/EC](#), those purity criteria;
- (b) in any other case, the purity criteria (if any) specified or referred to in Schedule 5;”.

4. For paragraph (1) of regulation 4 (use of miscellaneous additives in or on compound foods) there shall be substituted—

“(1) Subject to paragraphs (3) and (4), where a permitted miscellaneous additive is present in or on a compound food and that compound food contains, as an ingredient, a food in or on which that miscellaneous additive was or could have been used without contravening any of the provisions of paragraphs (2) to (5) or (7) of regulation 3, that miscellaneous additive shall for the purposes of those paragraphs be deemed to have been used in or on that compound food without contravening any of the provisions of those paragraphs.”.

5. In paragraph (b) of regulation 8 (defence in relation to exports) for “and Directive [95/2/EC](#)” there shall be substituted “, Directive [95/2/EC](#) and Directive [96/77/EC](#)”.

6. In regulation 9 (application of various provisions of the Order), after paragraph (g) there shall be inserted—

“(h) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2).”.

7. In regulation 11 (transitional provisions and exemptions)—

(a) after paragraph (1) there shall be inserted—

“(1A) In any proceedings for an offence against these Regulations in respect of any food additive or food, it shall be a defence to prove that—

- (a) the food additive or food concerned was put on the market or labelled before 1st July 1997, and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(b) and (c), 5 and 10 of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997 had not been made when the food additive or, as the case may be, the food was put on the market or labelled.”;

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

“(2) These Regulations shall not apply in respect of any food additive 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 1st July 1997.”;

(c) in paragraph (3)(a), “on or after 1st July 1997” shall be omitted;

(d) in paragraph (4), for “paragraphs (2) and (3)” there shall be substituted “paragraph (3)”.

8. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8) there shall be inserted after the entry relating to “E 407 Carrageenan” the following entry—

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

SCHEDULE

Regulation 10

Miscellaneous additives for which specific purity criteria specified or referred to in Schedule 5 to the principal Regulations are omitted

E 200	Sorbic acid
E 202	Potassium sorbate
E 203	Calcium sorbate
E 210	Benzoic acid
E 211	Sodium benzoate
E 212	Potassium benzoate
E 213	Calcium benzoate
E 214	Ethyl <i>p</i> -hydroxybenzoate
E 215	Sodium ethyl <i>p</i> -hydroxybenzoate
E 216	Propyl <i>p</i> -hydroxybenzoate
E 217	Sodium propyl <i>p</i> -hydroxybenzoate
E 218	Methyl <i>p</i> -hydroxybenzoate
E 219	Sodium methyl <i>p</i> -hydroxybenzoate
E 220	Sulphur dioxide
E 221	Sodium sulphite (anhydrous or heptahydrate)
E 222	Sodium hydrogen sulphite
E 223	Sodium metabisulphite
E 224	Potassium metabisulphite
E 226	Calcium sulphite
E 227	Calcium hydrogen sulphite
E 228	Potassium hydrogen sulphite
E 230	Biphenyl, diphenyl
E 231	Orthophenyl phenol
E 232	Sodium orthophenyl phenol
E 233	Thiabendazole
E 234	Nisin
E 239	Hexamethylene tetramine
E 249	Potassium nitrite
E 250	Sodium nitrite
E 251	Sodium nitrate
E 252	Potassium nitrate
E 260	Acetic acid

E 261	Potassium acetate
E 262(i)	Sodium acetate
E 262(ii)	Sodium diacetate
E 263	Calcium acetate
E 270	Lactic acid
E 280	Propionic acid
E 281	Sodium propionate
E 282	Calcium propionate
E 283	Potassium propionate
E 290	Carbon dioxide
E 300	Ascorbic acid
E 301	Sodium ascorbate
E 302	Calcium ascorbate
E 304	Fatty acid esters of ascorbic acid
E 304(i)	Ascorbyl palmitate
E 306	Tocopherol-rich extract
E 307	Alpha-tocopherol
E 308	Gamma-tocopherol
E 309	Delta-tocopherol
E 310	Propyl gallate
E 311	Octyl gallate
E 312	Dodecyl gallate
E 320	Butylated hydroxyanisole (BHA)
E 321	Butylated hydroxytoluene (BHT)
E 322	Lecithins
E 325	Sodium lactate
E 326	Potassium lactate
E 327	Calcium lactate
E 330	Citric acid
E 331(i)	Monosodium citrate
E 331(ii)	Disodium citrate
E 331(iii)	Trisodium citrate
E 332(i)	Monopotassium citrate
E 332(ii)	Tripotassium citrate
E 333(i)	Monocalcium citrate

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

E 333(ii)	Dicalcium citrate
E 333(iii)	Tricalcium citrate
E 334	L-(+)-Tartaric acid
E 335(i)	Monosodium L-(+)-tartrate
E 335(ii)	Disodium L-(+)-tartrate
E 336(i)	Monopotassium L-(+)-tartrate
E 336(ii)	Dipotassium L-(+)-tartrate
E 337	Sodium Potassium L-(+)-tartrate
E 338	Phosphoric acid
E 339(i)	Monosodium phosphate
E 339(ii)	Disodium phosphate
E 339(iii)	Trisodium phosphate
E 340(i)	Monopotassium phosphate
E 340(ii)	Dipotassium phosphate
E 340(iii)	Tripotassium phosphate
E 341(i)	Monocalcium phosphate
E 341(ii)	Dicalcium phosphate
E 341(iii)	Tricalcium phosphate
E 385	Calcium disodium ethylenediamine - N N N'N' - tetra-acetate

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Miscellaneous Food Additives Regulations (Northern Ireland) 1996 (“the principal Regulations”).

The Regulations—

- (a) implement European Parliament and Council Directive [96/85/EC](#) amending Directive [95/2/EC](#) on food additives other than colours and sweeteners, by adding processed eucheuma seaweed to the list of miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to the principal Regulations (regulations 3(a) and 8);
- (b) implement Commission Directive [96/77/EC](#) laying down specific purity criteria on food additives other than colours and sweeteners (regulations 3(b) and (c), 7(a) and 10 and the Schedule), and make a consequential amendment (regulation 5);

- (c) clarify the provisions in the principal Regulations relating to the use of miscellaneous additives in or on compound foods (regulation 4);
- (d) add to the list of permitted uses for propane, butane and iso-butane on a temporary basis in accordance with Article 5 of Directive [89/107/EEC](#) on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (regulation 9);
- (e) make a few corrections to the principal Regulations to reflect provisions in Directive [95/2/EC](#), notably relating to using up old stocks of products from other member States (regulation 7(b) to (d));
- (f) apply specified provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of the principal Regulations (regulation 6);
- (g) make a correction to the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977, as amended, to reflect Article 4(3) of Council Directive [93/77/EEC](#) relating to fruit juices and certain similar products (O.J. No. L244, 30.9.93, p. 23) (regulation 11).