

**2006 No. 481**

**FOOD**

**The Food for Particular Nutritional Uses (Addition of  
Substances for Specific Nutritional Purposes) (Amendment)  
Regulations (Northern Ireland) 2006**

*Made* - - - - *24th November 2006*

*Coming into operation* - *31st December 2006*

The Department of Health, Social Services and Public Safety(a) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(f), 16(1), 25(3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(b).

It has had regard to relevant advice given by the Food Standards Agency as required by Article 47(3A) of that Order.

There has been open and transparent public consultation during the preparation of the Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 31st December 2006.

(2) In these Regulations “the principal Regulations” means the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002(d).

**Amendment of the principal Regulations**

2. The principal Regulations are amended in accordance with regulations 3 to 5.

---

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)  
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R.2004 Nos. 482 and 505  
(c) OJ No. L31, 1.2.2002, p. 1. as last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p3) amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p3). By virtue of Regulation 5 of the Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No.482), with effect from 7th December 2004 the consultation requirement contained in Article 47(3) of the 1991 Order is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002  
(d) S.R. 2002 No 264, amended by S.R. 2004 No 105; there are other amending statutory rules but none is relevant

3. In regulation 2(1) (Interpretation), in the definition of “Directive 2001/15”, after “Directive 2004/5/EC” insert “and Commission Directive 2006/34/EC(a)”.

4. In Schedule 1 (Substances which may be added for specific nutritional purposes in designated PNU foods)—

- (a) in Category 1 (Vitamins), for the heading “FOLIC ACID” substitute “FOLATE”, and under that (revised) heading insert at the end “— calcium-L-methylfolate”;
- (b) in Category 2 (Minerals), under the heading “IRON” insert at the end “— ferrous bisglycinate”.

5. In Schedule 2 (Additional substances which may be added for specific nutritional purposes in foods for special medical purposes) insert at the beginning—

**“Category 2. Minerals**

magnesium L-aspartate”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 24th November 2006.



*Don Hill*

A senior officer of the Department of Health, Social Services and Public Safety

---

(a) OJ No. L83, 22.3.2006, p.14

## EXPLANATORY NOTE

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

These Regulations amend the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002 as amended (“the principal Regulations”).

These Regulations implement Commission Directive 2006/34/EC (OJ No. L83, 22.3.2006, p.14) amending the Annex to Directive 2001/15/EC as regards the inclusion of certain substances.

The principal Regulations apply to food for most particular nutritional uses (definition of “designated PNU food” in regulation 2(1) of those Regulations). Those Regulations restrict the sale of such food where there has been added to it for a specific nutritional purpose a substance falling within one of the following six categories: vitamins; minerals; amino acids; carnitine and taurine; nucleotides; choline and inositol. In such a case the substance must be listed under the relevant category in Schedule 1 or, as regards foods for special medical purposes, Schedule 1 or 2. There is a time-limited derogation as respects substances listed in Schedule 3 (regulation 3(5) of those Regulations).

These Regulations—

- (a) add certain substances to the list in the categories vitamins and minerals which may be added for specific nutritional purposes in designated PNU foods (without any time limit) (regulation 4);
- (b) add a substance in the category minerals to the list of substances which may be added for specific nutritional purposes in foods for special medical purposes (without any time limit) (regulation 5);
- (c) update the definition of “Directive 2001/15” (regulation 3).