

**2008 No. 99**

**AGRICULTURE**

**FOOD**

**The Rice Products from the United States of America  
(Restriction on First Placing on the Market) Regulations  
(Northern Ireland) 2008**

*Made* - - - - - *10th March 2008*

*Coming into operation* - - - - - *12th March 2008*

The Department of Health, Social Services and Public Safety(a) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 (b).

The Department of Health, Social Services and Public Safety has been designated for the purpose of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(c).

**Citation and commencement**

1. These Regulations may be cited as the Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 and come into operation on 12th March 2008.

**Interpretation**

2.—(1) In these Regulations—

“authorised officer”, in relation to the Department of Agriculture and Rural Development or a district council, means any person (whether or not an officer of the Department of Agriculture and Rural Development or a district council) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulations;

“the Commission Decision” means Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism “LL RICE 601” in rice

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(a) Formerly the Department of Health and Social Services see S.I. 1999/283 (N.I.1) Article 3(6)  
(b) 1972 c. 68  
(c) SI 2003/2901

products(a) as amended by Commission Decision 2006/754/EC(b) and Commission Decision 2008/162/EC(c);

“feed” has the meaning given to it in Article 3.4 of Regulation 178/2002;

“food” has the meaning given to it in Article 2 of Regulation 178/2002;

“first placing on the market” has the meaning that it bears in the Commission Decision;

“rice product” means any rice product referred to in the table in Article 1 of the Commission Decision that originates from the United States of America; and

“Regulation 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council 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(d) as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council(e) and Commission Regulation (EC) No. 575/2006(f).

(2) The Interpretation Act (Northern Ireland) 1954(g) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Restriction on first placing on the market of rice products**

3.—(1) The first placing on the market of any rice product is prohibited unless—

- (a) the conditions specified in Article 2(1) of the Commission Decision are complied with in relation to that product; and
- (b) arrangements have been made to ensure compliance with the conditions specified in Article 2(2) of the Commission Decision in relation to that product.

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

### **Enforcement**

4.—(1) It shall be the duty of the Department of Agriculture and Rural Development to enforce and execute these Regulations in relation to feed.

(2) It shall be the duty of each district council to enforce and execute these Regulations within its district in relation to food.

(3) For the purposes of enabling the Department of Agriculture and Rural Development to exercise its duty under paragraph (1) and each district council to exercise its duty under paragraph (2), an authorised officer of the Department of Agriculture and Rural Development or district council concerned shall ensure that the requirements referred to in paragraph (4) are adhered to.

(4) The requirements are those specified in—

- (a) Article 2 of the Commission Decision (which is concerned with the conditions under which consignments of rice products may first be placed on the market);
- (b) the first sentence of Article 3 (1) of that Decision (which is concerned with control measures relating to rice products presented for importation or already on the market); and
- (c) Article 4 of that Decision (which is concerned with contaminated consignments).

(5) The Department of Agriculture and Rural Development and each district council shall give such assistance and information to the Department of Health, Social Services and Public Safety

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(a) OJ No. L244, 7.9.2006, p.27  
(b) OJ No. L306, 7.11.2006, p.17  
(c) OJ No. L52, 27.2.2008, p.25  
(d) OJ No. L31, 1.2.2002, p.1  
(e) OJ No. L245, 29.9.2003, p.4  
(f) OJ No. L100, 8.4.2006, p.3  
(g) 1954 c.33 (N.I.)

and the Food Standards Agency as they may reasonably request in connection with the enforcement and execution of these Regulations.

#### **Application of various provisions of the Food Safety (Northern Ireland) Order 1991**

5. The following provisions of the Food Safety (Northern Ireland) Order 1991(a) shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Order or Part thereof shall be construed as a reference to these Regulations —

- (a) Article 19 (offences due to fault of another person);
- (b) Article 20 (defence of due diligence)(b), with the modification that paragraphs (2) to (4) shall apply in relation to an offence under regulation 3(2) as they apply in relation to an offence under Article 13 or 14, that in paragraphs 2(a) and 3(b) the references to “food” shall be deemed to be references to feed or food and that in paragraph (4)(b) the references to “sale or intended sale” shall be deemed to be references to “first placing on the market”;
- (c) Article 33 (powers of entry);
- (d) Article 34(1) (obstruction etc. of officers);
- (e) Article 34(2), with the modification that the reference to “any such requirement as is mentioned in paragraph (1)(b)” shall be deemed to be a reference to any such requirement as is mentioned in Article 34(1)(b) as applied by sub-paragraph (d);
- (f) Article 36(1) (punishment of offences), in so far as it relates to offences under Article 34(1) as applied by sub-paragraph (d);
- (g) Article 36(2) and (3)(c), in so far as it relates to offences under Article 34(2) as applied by sub-paragraph (e).

#### **Revocation**

6. The Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006(d) are revoked.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 10th March 2008.



*Andrew McCormick*

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

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(a) 1991 No. 762 (NI7)  
(b) Article 20 was amended by S.R. 2004 No. 505  
(c) Article 36(3) was amended by S.R. 2004 No. 505  
(d) S.R. 2006 No. 443

## EXPLANATORY NOTE

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

These Regulations implement Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism “LL RICE 601” in rice products (OJ No. L 244, 7.9.2006, p.27) as last amended by Commission Decision 2008/162/EC amending Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism “LL RICE 601” in rice products (OJ No. L52, 27.2.2008, p.25). They revoke and re-enact the Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 443).

These Regulations—

- (a) prohibit the first placing on the market of any “rice product” from the United States of America (defined in regulation 2(1)), except where—
  - (i) it is accompanied by—
    - (aa) a statement from the food business operator responsible for the consignment that the product only contains rice, from the 2007 or a subsequent harvest, that was subject to the plan of the USA Rice Federation aiming to remove “LL Rice 601” from the US export channels, and
    - (bb) the original of an analytical report issued by a laboratory referred to in Annex II to the Commission Decision confirming that the product does not contain the genetically modified rice “LL RICE 601”; that report must itself be accompanied by an official document issued by the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture in accordance with the protocol described in that Annex (*regulation 3(1)(a)*), and
  - (ii) specified requirements for split consignments are complied with (*regulation 3(1)(b)*);
- (b) provide that a person who knowingly contravenes that prohibition is guilty of an offence and prescribe penalties for that offence (*regulation 3(2)*);
- (c) provide for their enforcement (*regulation 4*); and
- (d) apply with modifications certain provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of the Regulations (*regulation 5*).

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Dd. N3545. C2. 3/08. Gp. 130. 14567.

£3.00