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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 398**

**The Food for Particular Nutritional Uses  
(Addition of Substances for Specific Nutritional  
Purposes) Regulations (Northern Ireland) 2009**

**Citation and commencement**

1. These Regulations may be cited as the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 and come into operation on 1st January 2010.

**Interpretation**

2.—(1) In these Regulations—

“the Commission Regulation” means [Commission Regulation \(EC\) No. 953/2009](#) on substances that may be added for specific nutritional purposes in foods for particular nutritional uses;

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

“specified provision” means any provision of the Commission Regulation that is specified in Column 1 of the Schedule and whose subject-matter is described in Column 2 of the Schedule.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Order has the meaning it bears in the Order.

(3) Any expression used both in these Regulations and in the Commission Regulation has the meaning that it bears in the Commission Regulation.

(4) In these Regulations any reference to the Annex to the Commission Regulation is a reference to that Annex as amended from time to time.

(5) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

**Offences, penalties and execution and enforcement**

3.—(1) Any person who contravenes any of the specified provisions shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each district council shall execute and enforce these Regulations within its district.

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

4. The following provisions of the Order shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Order or Part thereof shall be construed as a reference to these Regulations—

- (a) Article 4 (presumptions that food intended for human consumption);
- (b) Article 19 (offences due to fault of another person);
- (c) Article 20 (defence of due diligence), as it applies for the purpose of Articles 13 or 14;
- (d) Article 30(8) (which relates to documentary evidence);
- (e) Article 34(1) (obstruction etc. of officers);
- (f) 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 paragraph (e);
- (g) Article 36(1) (punishment of offences), in so far as it relates to offences under Article 34(1) as applied by paragraph (e); and
- (h) Article 36(2) and (3), in so far as it relates to offences under Article 34(2) as applied by paragraph (f).

**Amendment to the Tryptophan in Food Regulations (Northern Ireland) 2005**

5.—(1) The Tryptophan in Food Regulations (Northern Ireland) 2005(2) are amended in accordance with paragraphs 2 and 3.

(2) For regulation 2(1) (interpretation), for the definition “Directive 2001/15/EC” there is substituted—

““Regulation 953/2009” means [Commission Regulation \(EC\) No. 953/2009](#) on substances that may be added for specific nutritional purposes in foods for particular nutritional uses;”.

(3) For regulation 5(2)(c) (exceptions from prohibitions), there is substituted—

“(c) laevorotatory tryptophan, its sodium, potassium, calcium or magnesium salts or its hydrochloride, added in compliance with Regulation 953/2009 to any food for a particular nutritional use referred to in the Annex to that Regulation;”.

**Revocation**

6. The following Regulations are revoked—

- (a) the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002 (3);
- (b) the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Amendment) Regulations (Northern Ireland) 2004 (4); and
- (c) the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Amendment) Regulations (Northern Ireland) 2006 (5).

(2) [S.R. 2005 No. 440](#)

(3) [S.R. 2002 No. 264](#)

(4) [S.R. 2004 No. 105](#)

(5) [S.R. 2006 No. 481](#)

Sealed with the official seal of the Department of Health, Social Services and Public Safety on  
30th November 2009.



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