

**EXPLANATORY MEMORANDUM TO**  
**The Jam and Similar Products Regulations (Northern Ireland) 2018**

**SR 2018 No 78**

**1. Introduction**

- 1.1. This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 15(1)(a) and (e), 16(1), 25(1) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and paragraph 1A of Schedule 2 to the European Communities Act 1972.
- 1.3. The rule is due to come into operation on 23<sup>rd</sup> April 2018.

**2. Purpose of the Rule**

- 2.1. The purpose of the Jam and Similar Products Regulations (Northern Ireland) 2018 is to revoke and replace the Jam and Similar Products Regulations (Northern Ireland) 2003, correct out of date references to the Food Labelling Regulations (Northern Ireland) 1996 and introduce improvement notice provisions for non-compliance.
- 2.2. Improvement notices would be used as part of the hierarchy of enforcement, when informal measures are no longer appropriate and the contravention or issue should be elevated to formal enforcement action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will be a criminal offence. Businesses will have the opportunity to appeal against an improvement notice; appeals will be heard by the magistrates' court.

**3. Policy Background**

- 3.1. The Jam and Similar Products Regulations (Northern Ireland) 2003 currently provide for the implementation and enforcement of Council Directive 2001/113/EC. The Directive lays down compositional standards which products must meet to be labelled as “jam”, “jelly”, “marmalade” etc. (i.e. products must contain a minimum amount of characterising ingredients such as fruit and sugar).
- 3.2. Currently, the 2003 Regulations refer to the labelling requirements of the Food Labelling Regulations (NI) 1996 (FLR). However, the FLR were revoked by the Food Information Regulations (Northern Ireland) 2014 (FIR). The references to the FLR in the 2003 Regulations therefore need to be revoked and, where necessary, replaced by references to FIR.
- 3.3. Most of the references to FLR in other food-related regulations were removed by FIR in 2014. It was decided at the time not to use FIR to remove the reference to FLR from the 2003 Regulations. The rationale at that time was that a consultation was being undertaken by FSA Northern Ireland to make a separate SR to amend the 2003 Regulations, and it was intended to use those amendment Regulations to correct the references to the FLR. In the event, those amendment Regulations were never made, effectively retaining the incorrect references to FLR in the 2003 Regulations.

#### **4. Matters of Special Interest to the Health Committee**

N/A

#### **5. Consultation**

5.1. A six-week consultation was conducted in Northern Ireland from 13<sup>th</sup> December 2017 to 29<sup>th</sup> January 2018. A wide range of enforcement authorities and businesses were consulted and the consultation was available on the FSA website. No responses were received.

#### **6. Position in Great Britain**

6.1. In Wales, where the FSA also has responsibility for jam and similar products, similar Regulations will be made.

#### **7. Equality Impact**

7.1. These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

#### **8. Regulatory Impact**

8.1. A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no changes to the current controls and therefore no identified costs to consumers, businesses or enforcement authorities associated with implementation of the Regulations.

#### **9. Financial Implications**

9.1. N/A

#### **10. Section 24 of the Northern Ireland Act 1998**

10.1. These regulations will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any as determined by Section 24.

#### **11. EU Implications**

11.1. N/A