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 STATUTORY INSTRUMENTS
 

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1980 No. 36

## FOOD AND DRUGS

## COMPOSITION

**The Chloroform in Food Regulations 1980**

<i>Made</i>	- - -	<i>14th January 1980</i>
<i>Laid before Parliament</i>		<i>22nd January 1980</i>
<i>Coming into Operation</i>		<i>1st April 1980</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 4 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

*Citation and commencement*

1. These regulations may be cited as the Chloroform in Food Regulations 1980, and shall come into operation on 1st April 1980.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs Act 1955;

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“food and drugs authority” has the meaning assigned to it by section 198 of the Local Government Act 1972(b);

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly.

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

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(a) 1955 c. 16 (4 & 5 Eliz. 2.); section 4 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 3(1); sections 4 and 123 are to be read with the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(b) 1972 c. 70.

(3) Any reference in these regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these regulations.

*Exemptions*

3.—(1) These regulations shall not apply to—

- (a) any food intended for exportation to any place outside the United Kingdom; or
- (b) any medicinal product to which the Medicines (Chloroform Prohibition) Order 1979(a) applies.

(2) Until 1st April 1981 these regulations shall not apply to any food prepared before 1st April 1980.

*Prohibition of chloroform in food*

4. No person shall sell or import into England and Wales any food which has in it or on it any added chloroform.

*Condemnation of food*

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell or import into England and Wales, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

*Penalties and enforcement*

6.—(1) If any person contravenes or fails to comply with regulation 4 he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Subject to paragraph (3) of this regulation, each food and drugs authority shall enforce and execute regulation 4 in its area.

(3) Each port health authority shall enforce and execute in its district regulation 4 in so far as it relates to importation

*Application of various sections of the Act*

7.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

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[(a) S.I. 1979/382.]

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(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th January 1980.

(L.S.)

*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

14th January 1980.

*Patrick Jenkin,*  
Secretary of State for Social Services.

14th January 1980.

*Nicholas Edwards,*  
Secretary of State for Wales.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which apply to England and Wales only, come into operation on 1st April 1980.

The Regulations prohibit the sale and importation of food containing chloroform (regulation 4).

The Regulations do not apply to food intended for export or to products whose chloroform content is controlled by the Medicines (Chloroform Prohibition) Order 1979; until 1st April 1981 the Regulations do not apply to food manufactured before 1st April 1980 (Regulation 3).

