
STATUTORY INSTRUMENTS

1994 No. 2127

AGRICULTURE

**The Preserved Tuna and Bonito
(Marketing Standards) Regulations 1994**

Made - - - - 5th August 1994
Laid before Parliament 12th August 1994
Coming into force - - 2nd September 1994

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 17(2), 26 and 48(1) of the Food Safety Act 1990⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Preserved Tuna and Bonito (Marketing Standards) Regulations 1994 and shall come into force on 2nd September 1994.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“the Council Regulation” means Council Regulation [\(EEC\) No. 1536/92](#) laying down common marketing standards for preserved tuna and bonito⁽²⁾;

“food authority” means—

- (a) in England, for each non-metropolitan county, metropolitan district and London Borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London;
- (b) in Wales, the district or borough council; and
- (c) in Scotland, an islands or district council,

and in relation to England and Wales, includes a port health authority;

⁽¹⁾ 1990 c. 16; section 4(1) contains a definition of “the Ministers” for the purposes of section 17(2).

⁽²⁾ OJ No. L163, 17.6.92, p. 1.

“specified Community provision” means a provision of the Council Regulation specified in column 1 of the Schedule to these Regulations, the subject matter of which is described in column 2 thereof.

(2) Other expressions used in these Regulations have, insofar as the context admits, the same meaning as in the Council Regulation.

Enforcement

3. Each food authority is hereby designated an enforcement authority for the purposes of the Council Regulation and shall secure the enforcement and execution of the specified Community provisions within its area.

Offences and penalties

4.—(1) Subject to paragraph (2) below, any person who contravenes or fails to comply with a specified Community provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Paragraph (1) above shall not apply in any case to which Article 5(3), 9(2) or (3) (which contain derogations and transitional provisions) of the Council Regulation applies.

Application of various sections of the Act

5. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

- section 2 (extended meaning of ‘sale’ etc);
- section 3 (presumption that food intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc of officers);
- section 36 (offences by bodies corporate); and
- section 44 (protection of officers acting in good faith).

Amendment of Food Labelling Regulations

6. Paragraph 1 of Schedule 1 (names prescribed by law) to the Food Labelling Regulations 1984(3) and paragraph 1 of Schedule 1 (names prescribed by law) to the Food Labelling (Scotland) Regulations 1984(4) shall, respectively, be amended as follows—

- (a) in sub-paragraph (1) for the words “sub-paragraph (2)” there shall be substituted the words “sub-paragraphs (2) and (4)”;
- (b) after sub-paragraph (3)(5) there shall be inserted the following sub-paragraph—

“(4) Sub-paragraph (1) of this paragraph, as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No. 1536/92.”.

(3) S.I.1984/1305, to which there are amendments not relevant to these Regulations.

(4) S.I. 1984/1519, to which there are amendments not relevant to these Regulations.

(5) Sub-paragraph (3) was inserted by regulation 9 of the Food Safety (Amendment) (Metrication) Regulations 1992 (S.I. 1992/2597).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto
affixed on

25th July 1994.

William Waldegrave
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

21st July 1994

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

Signed by authority of the Secretary of State for Wales

5th August 1994

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

19th July 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE

Regulation 2(1)

Specified Community Provisions

Column 1 Provision of Council Regulation	Column 2 Subject Matter
1. Article 2(1)(1) and point I of the Annex to the Council Regulation.	Requirements relating to the marketing of products, under the trade description defined in Article 5, as preserved tuna.
2. Article 2(1)(2) and point II of the Annex to the Council Regulation.	Requirements relating to the marketing of products, under the trade description defined in Article 5, as preserved bonito.
3. Article 2(2).	Prohibition on the mixing of different species in the same container.
4. Article 3(1) and (2).	Requirements as to presentation in relation to prescribed descriptions of commercial presentation forming part of the trade description referred to in Article 5.
5. Article 4.	Requirements as to covering media (olive oil etc.) where such media form an integral part of the trade description.
6. Article 5(1).	Requirements as to the trade description on the pre-packaging of preserved tuna and bonito.
7. Article 5(2).	Prohibition on the association of the words "tuna" and "bonito" in the trade description of each of those products.
8. Article 5(4).	Conditions as to use of the word "natural" in the trade description.
9. Article 6.	Requirements as to the ratio between the weight of fish after sterilisation and the net weight expressed in grams.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the administration, execution and enforcement of directly applicable Community provisions relating to the marketing of preserved tuna and bonito in the Community set out in Council Regulation (EEC) No. 1536/92 (OJ No. L163, 17.6.92, p.1).

The Regulations

- (a) designate authorities for the purposes of enforcement (regulation 3);

- (b) prescribe offences and penalties (regulation 4);
- (c) apply various provisions of the Food Safety Act 1990 in relation to the Community provisions (regulation 5);
- (d) amend the Food Labelling Regulations 1984 and the Food Labelling (Scotland) Regulations 1984.

Under transitional provisions contained in paragraphs 2 and 3 of Article 9 of the Council Regulation the marketing of products which were labelled before 1st January 1993 and of products for which the terms “tuna” and “bonito” are associated in the trade description are permitted for the respective periods referred to in those paragraphs (regulation 4(2)).