
STATUTORY INSTRUMENTS

1998 No. 1376

**The Plastic Materials and Articles in
Contact with Food Regulations 1998**

Interpretation

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

“the Act” means the Food Safety Act 1990;

“additive” means a substance, other than one which directly influences the formation of polymers, which is—

- (a) incorporated into a plastic material or article to achieve a technical effect in the finished product and is intended to be present in the finished product; or
- (b) used to provide a suitable medium in which polymerisation occurs;

“business” has the same meaning as it has in the Act;

“capable” means capable as established under regulation 6;

“Council Directive 82/711” means Council Directive [82/711/EEC](#) laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs(1), as amended by Commission Directives [93/8/EEC](#)(2) and [97/48/EC](#)(3);

“the Directive” means Commission Directive ([EEC](#)) No. [90/128](#) relating to plastics materials and articles intended to come into contact with foodstuffs(4) (as corrected) and as amended by Commission Directives [92/39/EEC](#), [93/9/EEC](#), [95/3/EC](#) and [96/11/EC](#)(5);

“EEA Agreement” means the Agreement on the European Economic Area(6) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(7) signed at Brussels on 17th March 1993;

“EEA State” means a State (other than the United Kingdom) which is a contracting party to the EEA Agreement;

“food” has the same meaning as it has in section 16(5) of the Act;

“good technical quality” means good technical quality as regards the purity criteria;

“human consumption” has the same meaning as it has in the Act;

“import” means import in the course of a business;

“monomer” means anything which is included for the purposes of the Directive among monomers and other starting substances;

(1) OJ No. L297, 23.10.82, p.26.

(2) OJ No. L90, 14.4.93, p.22.

(3) OJ No. L222, 12.8.97, p.10.

(4) OJ No. L75, 21.3.90, p.19.

(5) Corrigendum in OJ No. L349, 13.12.90, p.26; amending Directives in OJ No. L168, 23.6.92, p.21, OJ No. L90, 14.3.93, p.26, OJ No. L41, 23.2.95, p.44 and OJ No. L61, 12.3.96, p.26.

(6) OJ No. L1, 3.1.94, p.1.

(7) OJ No. L1, 3.1.94, p.571.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“the 1987 Regulations” means the Materials and Articles in Contact with Food Regulations 1987⁽⁸⁾;

“the 1992 Regulations” means the Plastic Materials and Articles in Contact with Food Regulations 1992⁽⁹⁾;

“person charged” includes, in Scotland, the accused;

“plastic material or article” means anything which for the purposes of the Directive is included among those plastics materials and articles and parts thereof to which the Directive applies;

“preparation” has the same meaning as it has in the Act; and

“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 any plastic material or article, otherwise than on sale, in the course of a business shall be deemed to be a sale of the plastic material or article.

(3) Any expression, other than one defined in paragraph (1) of this regulation, used both in these Regulations and in the Directive, Council Directive 82/711 or Council Directive 85/572/EEC laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs⁽¹⁰⁾ has, in so far as the context admits, the same meaning as it bears in the Directive in which it appears.

(4) Any reference in these Regulations to a numbered regulation or Schedule shall unless the context otherwise requires be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

⁽⁸⁾ S.I. 1987/1523; relevant amending instruments are S.I. 1990/2487 and 1994/979.

⁽⁹⁾ S.I. 1992/3145; amended by S.I. 1995/360, 1996/694 and 1996/2817.

⁽¹⁰⁾ OJ No. L372, 30.12.85, p.14.