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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 189**

**Genetically Modified and Novel Foods  
(Labelling) Regulations (Northern Ireland) 2000**

General

**Offences and penalties**

7. If any person—

- (a) sells any food to which the labelling requirements of Regulation 1139/98 or of Regulation 50/2000 apply which is not marked or labelled with the GMO particulars, except in the case of any food to which regulation 5(3) applies and in respect of which alternative particulars are displayed in accordance with regulation 5(4),
- (b) sells any food which is not marked or labelled in accordance with regulation 4, 5 or 6, or
- (c) places on the market any novel food or novel food ingredient in respect of which the additional requirements relating to consumer information set out in Article 8(1) of Regulation 258/97 have not been met,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Enforcement**

8. Each district council shall enforce and execute these Regulations within its district and be the competent authority within its district for the purposes of the second paragraph of Article 2(2)(b) of Regulation 1139/98.

**Defence in relation to exports**

9. In any proceedings for an offence under these Regulations, it shall be a defence for the person charged to prove—

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that it complies with that legislation; and
- (b) in the case of export to a member State of food to which Regulation 1139/98 or Regulation 50/2000 applies, that the legislation complies with the provisions of Regulation 1139/98 or Regulation 50/2000, as appropriate, as read with Directive 79/112.

**Application of various provisions of the Order**

10.—(1) The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed as a reference to these Regulations—

- (a) Articles 2(4) and 3 (extended meaning of “sale” etc.);

- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14;
- (e) Article 30(8) (which relates to documentary evidence);
- (f) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2) as applied by paragraph (3).

(2) In the application of Article 33 of the Order (powers of entry) for the purposes of these Regulations, the reference in paragraph (1)(a) to the Order shall be construed as including a reference to Regulation 258/97, Regulation 1139/98 and Regulation 50/2000.

(3) Article 34 (obstruction, etc., of officers) of the Order shall apply for the purposes of these Regulations and any reference in that Article to the Order shall be construed as including a reference to these Regulations as read with Regulation 258/97, Regulation 1139/98 and Regulation 50/2000.

### **Consequential amendments**

**11.**—(1) The Food Labelling Regulations (Northern Ireland) 1996(1) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation), the definitions of “the GMO particulars” and “Regulation 1139/98” shall be omitted.

(3) In regulation 3(1)(iv) (exemptions), for “, Directive 94/54 and Regulation 1139/98” there shall be substituted “and Directive 94/54”.

(4) In regulation 26 (small packages and certain indelibly marked bottles)—

- (a) in paragraph (1), sub-paragraph (b) and the word “or” preceding it shall be omitted; and
- (b) in paragraph (3A), “and the GMO particulars” shall be omitted.

(5) In regulation 35 (general requirement as to manner of marking or labelling), “or by Regulation 1139/98” shall be omitted.

(6) In regulation 36 (manner of marking or labelling in the case of food to which regulation 23 or 27 applies)—

- (a) in paragraph (1), “or by Regulation 1139/98” and “or (4A)” shall be omitted; and
- (b) paragraphs (4A) to (4C) shall be omitted.

(7) In regulation 38(1) (intelligibility of marking or labelling), “or by Regulation 1139/98” shall be omitted.

(8) In regulation 44 (offences and penalties), sub-paragraph (f) shall be omitted.

(9) In regulation 47(b) (defence in relation to exports), for “, Directive 94/54 and Regulation 1139/98” there shall be substituted “and Directive 94/54”.

(10) In regulation 48 (application of various provisions of the Order) paragraph (2) shall be omitted.

(11) In regulation 50 (transitional provision), paragraphs (5) to (7) shall be omitted.

### **Transitional provisions**

**12.**—(1) In any proceedings for an offence under—

- (a) regulation 7(a), or
- (b) regulation 7(b), as read with regulation 5 or 6,

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(1) [S.R. 1996 No. 383](#); the relevant amending Regulations are [S.R. 1998 No. 253](#) and [S.R. 1999 Nos. 143 and 286](#)

in relation to the particulars with which any relevant food is required to be marked or labelled by Regulation 1139/98, it shall be a defence to prove that—

- (i) in the case of food sold to the final consumer, it was prepared using an ingredient which was on sale before 1st September 1998, or
  - (ii) in the case of food sold to a mass caterer, it was prepared using an ingredient which was on sale before 10th April 2000.
- (2) In any proceedings for an offence under—
- (a) regulation 7(a), or
  - (b) regulation 7(b), as read with regulation 5 or 6,

in relation to the particulars with which any relevant food is required to be marked or labelled by Regulation 50/2000, it shall be a defence to prove that the food was sold to the final consumer or to a mass caterer and was prepared using an ingredient which was on sale before 10th April 2000.

- (3) For the purposes of paragraphs (1) and (2), “relevant food” means food which is—
- (i) not prepacked, or
  - (ii) prepacked for direct sale.