

EXPLANATORY MEMORANDUM TO

THE CONTAMINANTS IN FOOD (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2013

2013 No. 296

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), 16(1) and (2), 25(1)(a) and 3 and 47(2) of the Food Safety (Northern Ireland) Order 1991.

2. Purpose of the Rule

- 2.1 The proposed Contaminants in Food (Amendment) Regulations (Northern Ireland) 2013 will make a minor amendment to regulation 2(3) of the Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013 No. 229) in order to correct an error therein.

3. Matters of special interest to the Health Committee

- 3.1 None.

4. Legislative Context

- 4.1 The Contaminants in Food Regulations (Northern Ireland) 2013 revoked the Contaminants in Food Regulations (Northern Ireland) 2010 ('the 2010 Regulations') and remake them with necessary amendments to provide for the enforcement of Commission Regulation 610/2012 and 1258/2011. The Regulations also:
 - I. introduced the use of ambulatory references for the purposes of Commission Regulation 124/2009 and Regulation 1881/2006, as the ambulatory reference provision in the 2010 Regulations applies only to the Annex to Commission Regulation 1881/2006. Ambulatory references will also apply to Directives 76/621/EEC and Directive 80/891/EEC;
 - II. revoked the Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966 (which are purely national and not EU-derived) and revoked and remade the provisions of the Erucic Acid in Food Regulations (Northern Ireland) 1977, as amended, thus consolidating the changes into a single Statutory Rule; and
 - III. Made an amendment to the provisions currently contained in the 2010 Regulations in order to rectify an under-enforcement of Regulation 1881/2006. Article 5 of that Regulation provides specific provisions for the labelling of groundnuts, other oilseeds, derived products thereof and cereals. The provisions of Article 5 require that a clear indication of intended use must appear on the label of each individual bag, box, etc. or on the original accompanying document, which must have a clear link with the consignment.

4.2 Following the making of these regulations the NI Examiner of Statutory Rules identified a defect in Regulation 2(3) requiring amendment.

4.3 The proposed Contaminants in Food (Amendment) Regulations (Northern Ireland) 2013 will therefore make the amendment to regulation 2(3) of the Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013 No. 229).

5. Parity or Replicatory Measure

5.1 This Rule applies to Northern Ireland only. In this instance amending Regulations are not required in respect of England, Scotland and Wales.

6. European Convention on Human Rights

6.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Consultation

7.1 A public consultation was not conducted given that the Regulations do not impose any new legal requirements and simply correct a minor error.

8. Equality Impact

8.1 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.

9. Regulating small business

9.1 The rule will apply to all businesses, small and large.

10. Monitoring

10.1 The FSA will work with District Councils where problems arise or suspected infringements of the rule arise. The effectiveness of the rule will be also be monitored via general feedback from Industry and Enforcement Authorities.

11. Contact

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