The Department of Health, Social Services and Public Safety (1) makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16, 17, 25, 26(3), 44 and 47(2) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991 (2) and section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 (3).

The Department of Health, Social Services and Public safety has been designated (4) for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.


Insofar as these Regulations are made in exercise of powers under the Food Safety (Northern Ireland) Order 1991, the Department of Health, Social Services and Public Safety has had regard to relevant advice given by the Food Standards Agency in accordance with Article 47(3A) of that Order.

As required by Article 9 of Regulation (EC) No. 178/2002 (6) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(1) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(2) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(3) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c.7)
(4) S.I. 2005/2766, to which there are amendments not relevant to these Regulations
Citation and commencement

1.—(1) These Regulations may be cited as the Food Information Regulations (Northern Ireland) 2014.

(2) Except as provided for in paragraphs (3) to (5), these Regulations come into operation on 13th December 2014.

(3) For the purposes of the following provisions these Regulations come into operation on 19th September 2014—

(a) regulation 4;
(b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Order) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Schedule 5, Part 1 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such improvement notice an offence;
(c) regulation 14 so far as it relates to Schedule 7, Part 1;
(d) Schedule 2;
(e) Schedule 5, Part 1; and
(f) Schedule 7, Part 1.

(4) For the purposes of the following provisions, these Regulations come into operation on 13th December 2016—

(a) Schedule 5, Part 3; and
(b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Order) they enable an improvement notice to be served on a person requiring them to comply with the provision of FIC specified in Schedule 5, Part 3 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such improvement notice an offence.

(5) For the purposes of Schedule 6, Part 2 and regulation 13 so far as it relates to that Part of Schedule 6, these Regulations come into operation on 13th December 2018.

Interpretation

2.—(1) In these Regulations—


“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles

and requirements of food law, establishing the European Food Safety Authority and laying
down procedures in matters of food safety;
“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No
178/2002 of the European Parliament and of the Council laying down the general principles
and requirements of food law, establishing the European Food Safety Authority and laying
down procedures in matters of food safety;
“mass caterer” has the meaning given in Article 2(2)(d);
“means of distance communication” has the meaning given in Article 2(2)(u);
“offered for sale” has the same meaning as in Article 44;
“the Order” means the Food Safety (Northern Ireland) Order 1991;
“prepacked food” has the meaning given in Article 2(2)(e);
“prepacked for direct sale” has the same meaning as in Article 2(2)(e); and
“ready for consumption” has the same meaning as in Article 2(2)(d).

(2) In these Regulations, any reference to an Article is a reference to an Article of FIC and any
reference to an Annex is a reference to an Annex to FIC.

(3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex
to, FIC to which paragraph (2) applies, in a provision of these Regulations listed in Schedule 1 is a
reference to that provision as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954(8) applies to these Regulations as it applies
to an Act of the Assembly.

Derogation relating to milk and milk products

3. The requirements laid down in Articles 9(1) and 10(1) do not apply to milk or milk products
presented in a glass bottle where the glass bottle is intended for reuse.

Derogation relating to minced meat

4.—(1) The requirements laid down in Annex VI, Part B, point 1, do not prevent minced meat
that does not comply with those requirements being placed on the market using a minced meat
designation if the national mark in Schedule 2, Part 1 appears on the labelling.

(2) Schedule 2, Part 2 applies to the form of the national mark.

(3) In paragraph (1)—
“on the labelling” has the same meaning as in Annex VI, Part B, point 2, as read with the
definition of “labelling” in Article 2(2)(j);

“placed on the market” is to be construed taking into account the meaning of “placing on their
national market” as used in Annex VI, Part B, point 3.

Foods that are not prepacked etc. containing an allergenic substance or product etc.

5.—(1) A food business operator who offers for sale a relevant food to which this regulation
applies may make available the particulars specified in Article 9(1)(c) (labelling of certain substances
or products causing allergies or intolerances) in relation to that food by any means the operator
chooses, including, subject to paragraph (3), orally.

(2) This regulation applies to a relevant food that is offered for sale to a final consumer or to a
mass caterer otherwise than by means of distance communication and is—

(8) 1954 c.33 (NI)
(a) not prepacked,
(b) packed on the sales premises at the consumer’s request, or
(c) prepacked for direct sale.

(3) Where a food business operator intends to make available the particulars specified in Article 9(1)(c) relating to a relevant food orally, and a substance or product listed in Annex II or derived from a substance or product listed in Annex II is used as an ingredient or processing aid in the manufacture or preparation of the food, the operator must indicate that details of that substance or product can be obtained by asking a member of staff.

(4) The indication mentioned in paragraph (3) must be given—
(a) on a label attached to the food, or
(b) on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) In relation to a relevant food to which this regulation applies, the Article 9(1)(c) particulars made available by a food business operator must be made available with a clear reference to the name of the substance or product listed in Annex II where—
(a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II, and
(b) the particulars are made available otherwise than by means provided for in FIC.

(6) In this regulation “relevant food” means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

Foods that are not prepacked etc. – general requirement to name them

6.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food) as read with—
(a) Article 17(1) to (4), and
(b) in the case of food offered for sale using a minced meat designation as a name—
(i) Article 17(5) and Annex VI, Part B, point 1 and
(ii) Annex VI, Part B, point 3, as read with regulation 4 and Schedule 2.

(2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is—
(a) not prepacked,
(b) packed on the sales premises at the consumer’s request, or
(c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The particulars must appear—
(a) on a label attached to the food; or
(b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.
Foods that are not prepacked etc. containing meat and other ingredients

7.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII, in respect of the ingredients in the food that are meat.

(2) This regulation applies to a food (other than a food specified in Schedule 3) that is offered for sale to a final consumer or a mass caterer, contains meat and any other ingredient and is—

(a) not prepacked,

(b) packed on the sales premises at the consumer’s request, or

(c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The quantity of meat specified in the particulars mentioned in paragraph (1) is to be determined taking into account the provisions relating to total fat and connective tissue content in Annex VII, Part B, point 17, including any downward adjustment needed in a case where the total fat and connective tissue content in the food exceeds the values indicated in the table in that point.

(5) The particulars must appear—

(a) on a label attached to the food, or

(b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(6) Paragraph (5) does not apply in the case of an offer for sale made by means of distance communication.

(7) In this regulation—

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat;


Irradiated foods

8.—(1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.

(2) Paragraph (1) applies to—

(a) a product intended for the ultimate consumer or mass caterers that has been treated with ionising radiation, and

(b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.

(3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the ingredient that has been irradiated.

(4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers—

(a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation, and
(b) to which, in relation to that compound ingredient, the provisions of Annex VII, Part E, point 2 (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.

(5) The relevant indication is the word “irradiated” or the words “treated with ionising radiation”.

(6) This regulation does not apply to—
(a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases, or
(b) a product which is prepared for patients requiring sterile diets under medical supervision.

(7) In this regulation—
“in bulk” has the same meaning as in the second subparagraph of Article 6(1)(a) of Directive 1999/2/EC;
“ionising radiation” has the same meaning as in Directive 1999/2/EC;
“places on the market” is to be construed taking into account the meaning of “placed on the market” as used in Article 2 of Directive 1999/2/EC; and
“product” has the same meaning as in Directive 1999/2/EC.

Enforcement

9. It is the duty of each district council within its district to enforce these Regulations.

Offence

10.—(1) A person is guilty of an offence if the person fails to comply with—
(a) any provision of FIC specified in paragraph (2), as read with Articles 1(3) and 6 and the first subparagraph of Article 54(1), or
(b) regulation 5(5).
(2) The provisions of FIC are—
(a) Article 9(1)(c), as also read with Annex II;
(b) Article 21(1)(a), as also read with Articles 9(1)(c) and 18(1) and Annex II;
(c) the second subparagraph of Article 21(1), as also read with Articles 9(1)(c) and 19(1) and Annex II; and
(d) Article 44(1)(a), as also read with Article 9(1)(c) and regulation 5.

Penalty

11. A person guilty of an offence under regulation 10 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Order

12.—(1) Article 9(1) and (2) of the Order (improvement notices) apply, with the modification (in the case of Article 9(1)) specified in Schedule 4, Part 1 for the purposes of—
(a) enabling an improvement notice to be served on a person requiring the person to comply with any of the following provisions—
   (i) a provision of FIC specified in Schedule 5, to the extent provided for in Article 9 as applied by paragraph (1) and modified by Schedule 4 Part 1;
   (ii) regulation 5(3), (4) or (5);
   (iii) regulation 6(1) or (4);
   (iv) regulation 7(1), (4) or (5); or
   (v) regulation 8(1) or (3); and

(b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Article 33 of the Order (powers of entry) applies, with the modifications (in the case of Article 33(1)) specified in Schedule 4, Part 2 for the purpose of enabling an authorised officer—
   (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of FIC specified in Schedule 5, to the extent provided for in Article 33(1) as applied by this paragraph and modified by Schedule 4, Part 2;
   (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
   (c) when exercising a power of entry under Article 33, as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(3) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Schedule 4, Part 3 for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) The provisions of the Order specified in column 1 of the table in Schedule 4, Part 4 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

(5) Paragraphs (1) to (3) are without prejudice to the application of Articles 9, 33, 37 and 38 of the Order to these Regulations for purposes other than those specified in those paragraphs.

(6) In this regulation “authorised officer” has the same meaning as in Article 2(2)(a) of the Order.

Revocations

13. The Regulations listed in Schedule 6 are revoked to the extent specified.

Consequential and other amendments

14. Schedule 7 has effect.
Sealed with the official seal of the Department of Health, Social Services and Public Safety on 21st August 2014.

Julie Thompson
A senior officer of the Department of Health, Social Services and Public Safety
SCHEDULE 1

Provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3)

Regulation 2(1) except for the definition of “FIC”
Regulation 3
Regulation 4(1) and (3)
Regulation 5(1), (3), (5) and (6)
Regulation 6(1)
Regulation 7(1) and (4)
Regulation 8(4)(b)
Regulation 10
Schedule 2, Part 2, paragraph 3
Schedule 5

SCHEDULE 2

National Mark for derogation relating to minced meat

PART 1

The national mark

PART 2

Specifications for the national mark

1. Any type of font may be used for the national mark so long as it is clearly legible.
2. Any colour font may be used for the national mark so long as it is easily visible.
3. In the case of prepacked food, the font size used for the national mark must not be smaller than—
   (a) in the case of a package or container of a size to which Article 13(3) applies, the font size required for mandatory particulars under Article 13(3), and
   (b) in the case of any other package or container, the font size required for mandatory particulars under Article 13(2).

SCHEDULE 3

Foods to which regulation 7 does not apply

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.
2. Frozen and quick-frozen chicken to which Article 15 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.

3. Fresh, frozen and quick-frozen poultry cuts to which Article 20 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.

4. Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.

5. Pizzas and similar topped products.

6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.

7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

SCHEDULE 4
Application and modification of provisions of the Order

PART 1
Modification of Article 9(1)

1. For Article 9(1) (improvement notices), substitute—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with a provision specified in subparagraph (1A), the authorised officer may, by a notice served on that person (in this Order referred to as an “improvement notice”)—

(a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;

(b) specify the matters which constitute the person’s failure so to comply;

(c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and

(d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

(1A) The provisions are—

(a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3)

of, and Schedule 1 to, those Regulations), except to the extent that the provisions applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;

(b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;

(c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or

(d) any of the following provisions of the Food Information Regulations (Northern Ireland) 2014—

(i) regulation 5(3), (4) or (5);
(ii) regulation 6(1) or (4);
(iii) regulation 7(1), (4) or (5); or
(iv) regulation 8(1) or (3)."

PART 2
Modification of Article 33(1)

1. In Article 33(1) for subparagraphs (a) to (c) (powers of entry) substitute—

“(a) to enter any premises within the council’s district for the purpose of ascertaining whether there is or has been on the premises any contravention of—

(i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;

(ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and

(iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); and

(b) to enter any business premises, whether within or outside of the council’s district, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

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PART 3

Modification of Article 37 and 38

1. For Article 37(1) (appeals), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1), as applied and modified by regulation 12(1) of, and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014, may appeal to a court of summary jurisdiction.”.

2. In Article 37(2A)(b) for “(1)(a)” substitute “(1) as applied and modified by regulation 12(1) of and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014,”.

3. In both Article 38(1) and (2) (appeals against improvement notices), after “improvement notice” insert “under Article 9(1) as applied and modified by regulation 12(1) of, and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014”.

PART 4

Application and modification of other provisions of the Order

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<td>Modifications</td>
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<td>For “this Order” substitute The Food Information Regulations (Northern Ireland) 2014”</td>
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<td>Article 19 (offences due to fault of another person)</td>
<td>For “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 12(1) of the Food Information Regulations (Northern Ireland) 2014, or regulation 10 of those Regulations”</td>
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<td>Article 20 (defence of due diligence)</td>
<td>In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 12(1) of the Food Information Regulations (Northern Ireland) 2014, or regulation 10 of those Regulations.”</td>
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<td>In paragraph (2) for “Article 13 or 14” substitute “regulation 10 of the Food Information Regulations (Northern Ireland) 2014”</td>
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<td>Article 21 (defence of publication in the course of business)</td>
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<td>Article 29 (procurement of samples)</td>
<td>In paragraph (b)(ii) after “under Article 33” insert “including under Article 33, as applied and modified by regulation 12(2) of, Schedule 4, Part 2 to, the Food Information Regulations (Northern Ireland) 2014”.</td>
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<td>Article 30(8) (which relates to documentary evidence)</td>
<td>For “this Order” substitute “the Food Information Regulations (Northern Ireland) 2014”.</td>
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<td>Article 34 (obstruction etc. of officers)</td>
<td>In paragraph (1), for “this Order” (in each place occurring) substitute “the Food Information Regulations (Northern Ireland) 2014”.</td>
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**Column 1** | **Column 2**
---|---
**Provision of the Order** | **Modifications**
Article 36(1) and (punishment of offences) | In paragraph (1), after “Article 34(1)”, insert “, as applied and modified by regulation 12(4) of, and Schedule 4, Part 4 to, the Food Information Regulations (Northern Ireland) 2014,”.

After paragraph (1), insert—

“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 12(1) of the Food Information Regulations (Northern Ireland) 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.

In paragraph (2)—

(a) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 12(4), of and Schedule 4, Part 4 to, the Food Information Regulations (Northern Ireland) 2014,”; and

(b) in subparagraph(b), for “the relevant amount”, substitute “the statutory maximum”.

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**SCHEDULE 5**

**Regulation 12**

Improvement notices - specified FIC provisions

**PART 1**

FIC provision in relation to which an improvement notice may be served on and from 19th September 2014

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<td>Article 17(5), so far as it applies to the Articles 1(3) and 6 and the third subparagraph requirements in Part B of Annex VI concerning the designation “minced meat” (requirements of Article 54(1), the second subparagraph of Article 55, Part B of Annex VI, regulation 4 and concerning the designation “minced meat” and Schedule 2 the particulars that must accompany it)</td>
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PART 2

FIC provisions in relation to which improvement notices may be served on and from 13th December 2014

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<th>Provision of FIC</th>
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<td>5.</td>
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<td>6.</td>
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<td>8.</td>
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<td>10.</td>
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<td>11.</td>
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<td>12.</td>
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<td>13.</td>
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<td>No.</td>
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<td>14.</td>
<td>Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)</td>
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<td>15.</td>
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<td>16.</td>
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<td>17.</td>
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<td>19.</td>
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<td>24.</td>
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<td>36.</td>
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<td>41.</td>
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<td>51.</td>
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<td>52.</td>
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<td>53.</td>
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<td>54.</td>
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<td>55.</td>
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<td>56.</td>
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<td>57.</td>
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<td>58.</td>
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<td>59.</td>
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<td>60.</td>
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<td>Articles 1(3), 6 and 33(1) and the first subparagraph of Article 54(1)</td>
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<td>61.</td>
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<td>62.</td>
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<td>Articles 1(3), 6, and 30(1) and (2), the second subparagraph of Article 34(3), Article 34(4) and the first subparagraph of Article 54(1)</td>
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<td>66</td>
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<td>67</td>
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**PART 3**

FIC provision in relation to which improvement notices may be served on and from 13th December 2016

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<th>Provisions to be read with the provision of FIC</th>
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<td>Article 9(1)(l) (mandatory nutrition declaration)</td>
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SCHEDULE 6
Regulation 13

Revocations

PART 1
Revocations coming into operation on 13th December 2014

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<td>The whole Regulations except for—</td>
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<td></td>
<td>(a) Regulation 43;</td>
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<td></td>
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<td>(b) In Schedule 8—</td>
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<td></td>
<td></td>
<td>(i) the entries in Part I relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”;</td>
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<td></td>
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<td>(ii) Part II; and</td>
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<td>(iii) Part III; and</td>
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<td></td>
<td></td>
<td>(c) The remainder of the Regulations for the purposes of the provisions specified in subparagraphs (a) and (b), including—</td>
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<td>(i) in regulation 2(1), the definitions of “advertisement”, “cheese”, “clotted cream”, “cream”, “ingredient”, “labelling”, “milk”, “the Order”, “sell,” “semi-skimmed milk”, “skimmed milk” and “wine”;</td>
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<td></td>
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<td>(ii) regulation 3(1) and (3);</td>
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<td>(iii) regulation 42;</td>
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<td>(iv) regulation 44(1)(b);</td>
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<td>(v) regulation 45;</td>
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<td>(vi) regulation 48; and</td>
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<td>(vii) regulation 50(1)</td>
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(13) S.R. 1998 No. 24, to which there are amendments not relevant to these Regulations
(14) S.R. 1998 No. 253
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<td>The Miscellaneous Food Additives (Amendment) Regulations (Northern</td>
<td>In Regulation 14(1) omit “the Food Labelling Regulations (Northern Ireland) 1996” and</td>
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<td>Ireland) 1999 (16)</td>
<td>regulation 14(3)</td>
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<td>17.</td>
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(15) S.R. 1999 No. 143
(16) S.R. 1999 No. 244, to which there are amendments not relevant to these Regulations
(17) S.R. 1999 No. 286
(18) S.R. 2000 No. 303, as amended by S.R. 2009 No. 220
(19) S.R. 2001 No. 45, to which there are amendments not relevant to these Regulations
(20) S.R. 2003 No. 159
(21) S.R. 2003 No. 301 to which there are amendments not relevant to these Regulations
(22) S.R. 2003 No. 313
(23) S.R. 2003 No. 383
(24) S.R. 2003 No. 448
(25) S.R. 2004 No. 266
(26) S.R. 2004 No. 469
(27) S.R. 2004 No. 515 [amended by S.R. 2014/to be completed]
(28) S.R. 2005 No. 198
(29) S.R. 2006 No. 3, to which there are amendments not relevant to these Regulations
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(30) S.R. 2007 No. 349, to which there are amendments not relevant to this revocation
(31) S.R. 2007 No. 420
(32) S.R. 2008 No. 198
(33) S.R. 2008 No. 237, to which there are amendments not relevant to this revocation
(34) S.R. 2009 No. 331
(35) S.R. 2009 No. 415 amended by S.R. 2013 No. 220; there are other amending rules but none is relevant
(36) S.R. 2010 No. 414
(37) S.R. 2011 No. 45
(38) S.R. 2013 No. 39
(39) S.R. 2013 No. 220
(40) S.R. 2013 No. 253
(41) S.R. 2014 No. 92
PART 2

Revocations coming into operation on 13th December 2018

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SCHEDULE 7

Consequential and other amendments

PART 1

Consequential and other amendments coming into operation on 19th September 2014

The Food Labelling Regulations (Northern Ireland) 1996

1.—(1) The Food Labelling Regulations (Northern Ireland) 1996 are amended in accordance with subparagraphs (2) to (4).

(2) In regulation 2(1)(interpretation) of the Food Labelling Regulations (Northern Ireland) 1996 in the definition of “the additives regulations” omit the expression “the Food Additives Regulations (Northern Ireland) 2009”

(3) In regulation 4(2) (scope of Part II), in each of subparagraphs (h), (i) and (j), for “Commission Regulation (EC) No 607/2009” to the end substitute “Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products;”(42).

(4) For regulation 41(4) (supplementary provisions relating to claims) substitute—

“(4) Where nutrition labelling not being prescribed nutrition labelling is given, it must be given in the manner specified in paragraph (4A) or (4B).

(4A) The nutrition labelling must be given in all respects as if it were prescribed nutrition labelling except that in applying the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule shall be read as if—

(a) in paragraph 1, the words “or that is labelled as provided for in regulation 41(4B)” were inserted after the words “paragraph 2 applies”,

(b) in paragraph (1)(a), the words from “provided that” to the end of that paragraph were omitted, and

(c) paragraph 1(d) were omitted.


The Food (Lot Marking) Regulations (Northern Ireland) 1996

2.—(1) The Food (Lot Marking) Regulations (Northern Ireland) 1996(43) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 2 (interpretation) for the definition of “first seller established within the Community” substitute ““first seller established within the European Union” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs”.

(3) In regulation 3(2)(a) for “Community” substitute “European Union”.

The Food with Added Phytosterols or Phytostanols (Labelling) Regulations (Northern Ireland) 2004

3. In Regulation 2(1) (interpretation) of the Food with added Phytosterols or Phytostanols (Labelling) Regulations (Northern Ireland) 2004(44) for the definition of “Regulation 608/2004” substitute—


The Addition of Vitamins, Minerals and other Substances Regulations (Northern Ireland) 2007

4. In regulation 4(2)(e) (offences and penalties) of the Addition of Vitamins, Minerals and other Substances Regulations (Northern Ireland) 2007(46), after “have been added”, insert—


—

(43) S.R 1996 No. 384
(44) S.R. 2004 No. 515
(45) OJ No. L201, 26.7.2013, p.49
(46) S.R. 2007 No. 301

The Nutrition and Health Claims Regulations (Northern Ireland) 2007

5. In regulation 5(2)(d) (offences and penalties) of the Nutrition and Health Claims Regulations (Northern Ireland) 2007, after “(requirements for nutrition information)”, insert—


The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013


PART 2

Consequential and other amendments coming into operation on 13th December 2014

The Food Labelling Regulations (Northern Ireland) 1996

1.—(1) The Food Labelling Regulations (Northern Ireland) 1996 are amended in accordance with subparagraphs (2) to (4).

(2) In regulation 2(1)(interpretation), for the definition of “ingredient” substitute—

““ingredient” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as amended from time to time;”.

(3) In regulation 3 (exemptions), for paragraph (1) substitute—

“(1) This regulation does not apply to a food that is brought into Northern Ireland from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.”.

(4) In Schedule 8 (misleading descriptions), Part I—

(a) In the second column of the table for the entry relating to the description “alcohol-free”, for subparagraph (b) substitute—

“(b) the drink is marked or labelled with—

(i) an indication of its maximum alcoholic strength in a form comprising of the words “not more than” followed by a figure to not more than one decimal place indicating its maximum alcoholic strength and the symbol

(47) S.R. 2013 No. 220
“(b) the drink is marked or labelled with—

(i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or

(ii) in an appropriate case, an indication that it contains no alcohol.”;

(c) In the second column of entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—

“(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”.

The Food (Lot Marking) Regulations (Northern Ireland) 1996

2.—(1) The Food (Lot Marking) Regulations (Northern Ireland) 1996 are amended in accordance with subparagraphs (2) and (3).

(2) For regulation 2(1) (interpretation) substitute—

“2. In these Regulations—

“date of minimum durability” is to be construed taking into account the definition of “date of minimum durability of a food” in Article 2(2)(r) of Regulation (EU) No 1169/2011;

“first seller established within the Community” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs;

“food” means food, within the meaning of the Order, intended for sale for human consumption;

“ice cream” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council;

“lot” means a batch of sales units of food produced, manufactured or packaged under similar conditions;

“lot marking indication” means an indication which allows identification of the lot to which a sales unit of food belongs;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011;

“prepacked for immediate sale” has the same meaning as “prepacked for direct sale” in Regulation (EU) No 1169/2011;

“sell” includes offer or expose for sale and have in possession for sale;
“ultimate consumer” has the same meaning as “final consumer” in Article 3, point 18 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
“use by date” has the same meaning as in Regulation (EU) No 1169/2011.”.

(3) In regulation 4 (exceptions for particular types of sale and sale units) —
(a) in subparagraph (e), for “edible ice” substitute “ice cream”; and
(b) in subparagraph (g) —
(i) for “an indication of minimum durability”, substitute “the date of minimum durability”; and
(ii) for “the Food Labelling Regulations require”, substitute “Regulation (EU) No 1169/2011 requires”.

The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997


The Bread and Flour Regulations (Northern Ireland) 1998

4. Regulation 2 (interpretation) of the Bread and Flour Regulations (Northern Ireland) 1998(49) is amended as follows—
(a) in the definition of “ingredient”, for “the Food Labelling Regulations (Northern Ireland) 1996”, substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
(b) in the definition of “labelling”, for “The Food Labelling Regulations (Northern Ireland) 1996”, substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
(c) omit the definition of “member State”; and
(d) after the definition of “the Order”, insert—

The Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001

5.—(1) The Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001(50) are amended in accordance with subparagraphs (2) and (3).

(48) S.R. 1997 No. 450, to which there are amendments not relevant to these Regulations
(49) S.R. 1998 No. 24, to which there are amendments not relevant to these Regulations
(50) S.R. 2001 No. 45
(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “the 1996 Regulations”; and

(b) after the definition of “the Order” insert—


(3) In regulation 5(1) (labelling and description of designated products)—

(a) for “the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”;

(b) in subparagraph (a), for “regulation 6(1) of the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”; and

(c) in subparagraph (c), for “the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”.

The Food Supplements Regulations (Northern Ireland) 2003

6.—(1) The Food Supplements Regulations (Northern Ireland) 2003(51) are amended in accordance with subparagraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Directive 90/496”; and

(b) insert the following definition in its correct alphabetical place—


(3) In regulation 6 (restrictions on sale relating to labelling etc. of food supplements)—

(a) in paragraph (2), for “the Food Labelling Regulations (Northern Ireland) 1996”, substitute “Regulation (EU) No 1169/2011”; and


(4) In regulation 7(1) (manner of marking or labelling), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations (Northern Ireland) 1996”, substitute “Article 9(1)(a), (f), (g) and (h) of Regulation (EU) No 1169/2011”.

(51) S.R. 2003 No. 273, amended by S.R. 2009 No. 407 and to which there are other amendments not relevant to these Regulations.
The Specified Sugar Products Regulations (Northern Ireland) 2003
7.—(1) The Specified Sugar Products Regulations (Northern Ireland) 2003(52) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 2 (interpretation), omit the definition of “the 1996 Regulations”;


The Cocoa and Chocolate Products Regulations (Northern Ireland) 2003
8.—(1) The Cocoa and Chocolate Products Regulations (Northern Ireland) 2003(53) are amended in accordance with subparagraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) omit the definition of “the 1996 Regulations”; and

(b) after the definition of “preparation” insert—


(3) In regulation 5 (reserved descriptions), for subparagraphs (b) and (c) substitute—

“(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;

(c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or

(d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.”.

(4) In regulation 6 (labelling and description of designated products)—

(a) in paragraph (1), for “Part II of the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”; and

(b) in paragraph 2(b), for “the 1996 Regulations”, substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”.

The Honey Regulations (Northern Ireland) 2003
9.—(1) The Honey Regulations (Northern Ireland) 2003(54) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 2(1) (interpretation) —

(a) omit the definition of “the 1996 Regulations”;

(52) S.R. 2003 No. 301, to which there are amendments not relevant to these Regulations
(53) S.R. 2003 No. 313
(54) S.R. 2003 No. 383, to which there are amendments not relevant to these Regulations
(b) in the definition of “ingredient”, for “the 1996 Regulations”, substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;

(c) in the definition of “labelling”, for “the 1996 Regulations”, substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”; and

(d) after the definition of “preparation” omit “and” and insert—


The Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations (Northern Ireland) 2003


The Price Marking Order (Northern Ireland) 2004

11. In Article 2(1) (interpretation) of the Price Marking Order (Northern Ireland) 2004(56), in the definition of “liquid medium” for “paragraph 4” to the end, substitute “the second subparagraph of point 5 of Annex IX to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;

The Food Hygiene Regulations (Northern Ireland) 2006

12. In Schedule 4 (temperature control requirements), paragraph 8 (interpretation), to the Food Hygiene Regulations (Northern Ireland) 2006(57) for subparagraphs (a) and (b) in the definition of “shelf life” substitute—

“(a) in relation to food for which a date of minimum durability is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required date of minimum durability;

(b) in relation to food for which a “use by” date is required in accordance with Article 9(1) (f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required “use by” date; and”.

(55) S.R. 2003 No. 530, to which there are amendments not relevant to these Regulations
(56) S.R. 2004 No. 368, to which there are amendments not relevant to these Regulations
(57) S.R. 2006 No. 3, to which there are amendments not relevant to these Regulations
The Quick-frozen Foodstuffs (No. 2) Regulations (Northern Ireland) 2007

13.—(1) The Quick-frozen Foodstuffs (No. 2) Regulations (Northern Ireland) 2007(58) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—
(a) omit the definition of “catering establishment”;
(b) in the definition of “local distribution” for “catering establishment” substitute “mass caterer”;
(c) after the definition of “local distribution”, insert—
“mass caterer” has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;
(d) in the definition of “prepackaging”, for “the Food Labelling Regulations (Northern Ireland) 1996”, substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and
(e) for the definition of “ultimate consumer” substitute—
“ultimate consumer” has the same meaning as “final consumer” in Article 3, point 18 of Regulation 178/2002.”.

(3) In regulation 5(2) and (4) (marking or labelling of quick frozen foodstuffs), for “catering establishment”, substitute “mass caterer”.

The Addition of Vitamins, Minerals and other Substances Regulations (Northern Ireland) 2007

“(e) Article 7(1), (2) and (3) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added) as amended by Article 50 Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers.”.

The Nutrition and Health Claims Regulations (Northern Ireland) 2007

15. In the Nutrition and Health Claims Regulations (Northern Ireland) 2007(60), for regulation 5(2)(d) (offences and penalties) substitute—
“(d) Article 7 (requirements for nutrition information) as amended by Article 49 Regulation (EU) No 1169/2011;”.

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007

16. In regulation 2(1) of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007(61) for the definition of “advertisement” substitute—
“advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods;”.

(58) S.R. 2007 No. 110
(59) S.R. 2007 No. 301
(60) S.R. 2007 No. 349, to which there are amendments not relevant to these Regulations
(61) S.R. 2007 No.420, to which there are amendments not relevant to these Regulations
The Eggs and Chicks Regulations (Northern Ireland) 2010

17.—(1) The Eggs and Chicks Regulations (Northern Ireland) 2010(62) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Directive 2000/13/EC”; and

(b) after the definition of “Regulation (EC) No 2160/2003”, insert—


(3) In Schedule 2, Part 2 (provisions of Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs(63) contravention of which is an offence)—


(b) in the second column of the entry in the table relating to Article 6(3), for “Article 9(2) of Directive 2000/13/EC”, substitute “point 1(a) of Annex X to Regulation (EU) No 1169/2011”; and

(c) in the second column of the entry in the table relating to Article 13, for “Article 3(1)(5) of Directive 2000/13/EC”, substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

EXPLANATORY NOTE

(This note is not part of the Regulations)


(62) S.R. 2010 No. 125, to which there are amendments not relevant to these Regulations


Regulation 3 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse. Regulation 4 and Schedule 2 provide a derogation relating to the use of a minced meat designation for minced meat that does not comply with the requirements laid down in Annex VI, Part B, point 1 to FIC.

Regulation 5 enables particulars relating to an allergenic substance or product in a non-prepacked food to be made available (subject to the provisions of the regulation) using any means that a food business operator chooses. The required particulars must be made available under FIC but can be made available using the means provided for in FIC or in accordance with the provisions of regulation 5.

Regulation 6 requires the name of the food to be provided in the case of certain non-prepacked foods and foods prepacked for direct sale. Regulation 7 requires a quantitative indication of the meat content to be given in the case of certain products. Those particulars must be given in one of the ways specified in regulations 6(4) (in the case of the name of the food) and 7(5) (in the case of the meat content indication). The provisions of regulations 6(4) and 7(5) do not apply to an offer for sale made by means of distance communication. Article 14(2) of FIC (as read with other relevant provisions of FIC) applies in the case of such an offer.

Regulation 8 requires certain information to be provided when irradiated food products or food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain prepacked food products.

Regulation 9 imposes an obligation on district councils to enforce the Regulations. Regulation 10 makes it an offence to fail to comply with specified provisions of FIC and the allergens related requirement in regulation 5(5). Regulation 11 provides for the punishment of that offence.

Regulation 12 and Schedule 4 apply certain provisions of the Food Safety (Northern Ireland) Order 1991 (1991 N.I. 7) to the Regulations with modifications. This includes the application (with modifications) of Article 9(1), enabling an improvement notice to be served to require compliance with specified provisions of FIC and specified provisions of regulations 5 and 8. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 13 and entry 1 of the table in Part 1 of Schedule 6 revoke most of the Food Labelling Regulations 1996 (S.R. 1996 No. 383) on 13th December 2014. Regulation 13 and entry 1 of the table in Part 2 of Schedule 6 revoke the remainder of the provisions in the Food Labelling Regulations (Northern Ireland) 1996 (relating to alcohol-related terms, cream and cheese) on 13th December 2018. Regulation 13 and Schedule 6 also revoke other relevant statutory rules.

Regulation 14 and Schedule 7 amend the Food Labelling Regulations (Northern Ireland) 1996, during the period before those Regulations are revoked (as described above). They make amendments to other statutory rules to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations (Northern Ireland) 1996 and correct the definition of “the additives regulations”.


Regulation 14 and Part 1 of Schedule 7 also amend the Food with added Phytosterols or Phytostanols (Labelling) Regulations (Northern Ireland) 2004 to update the definition of Regulation 608/2004 as
amended by Commission Regulation (EU) No 718/2013 until the entire Regulations are revoked by Regulation 13 and Schedule 6 on 13th December 2014.