STATUTORY RULES OF NORTHERN IRELAND

2020 No. 310

FOOD

The Addition of Vitamins, Minerals and Other Substances (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*7th December 2020*
Coming into operation -	*30th December 2020*

The Department of Health(**a**) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a) and (f), 16(2), 25(1)(a) and (3) and 47(2)of the Food Safety (Northern Ireland) Order 1991(**b**).

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002(**c**) 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(**d**) there has been open and transparent public consultation during the preparation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Addition of Vitamins, Minerals and Other Substances (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 0th Month 2020.

Amendment of the Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007

2.—(1) The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007(**e**) are amended as follows.

(2) In regulation 2(1)(**f**) (Interpretation), in the definition of ""the EC Regulation"" for "I or II" substitute "I, II or III".

(3) In regulation 4(2)(**g**) (Offences and penalties)—

(a) at the end of sub-paragraph (d) omit "and";

(**a**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1(5)
(**b**) 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
(**c**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2019/1243 (OJ No. L198, 25.7.2019, p.241)
(**d**) O.J. No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (O.J. No. L 198, 25.7.2019, p. 241)
(**e**) S.R. 2007 No.301 amended by S.R. 2010 No.292 and S.R. 2014 No.223
(**f**) Regulation 2 was amended by S.R. 2019 No.5 pt. 2 reg. 15
(**g**) Regulation 4 was amended by S.R. 2014 No.223 Sch. 7(2) para. 14

(b) after sub-paragraph (e) insert—

"(f) Article 8(2)(a)(i) (prohibition of the addition of a substance listed in Annex III, Part A to foods or its use in the manufacture of foods); and

(g) Article 8(2)(a)(ii) (prohibition of the addition of a substance listed in Annex III, Part B to foods or its use in the manufacture of foods unless that substance is added or used in accordance with the conditions specified in that Part).".

(4) After regulation 4 insert—

"**Transitional provision in relation to food containing substance listed in Annex III, Part B**

4A. An offence is not committed under regulation 4(1) by virtue of paragraph (2)(g) of that regulation in respect of the addition of a substance to, or its use in the manufacture of, any food if—

(a) the food is placed on the market before 1st April 2021; and

(b) the substance concerned falls within the entry in Annex III, Part B relating to trans fat other than trans fat naturally occurring in fat of animal origin.".

Sealed with the official seal of the Department of Health on 7th December 2020.

L.S.

Lourda Geoghegan
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007 No.301) ("the 2007 Regulations").

Regulation 2(1) of the 2007 Regulations is amended so that the definition of "the EC Regulation" includes a reference to Annex III as it may be amended from time to time of Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (O.J. No. L 404, 30.12.2006, p. 26), as last amended by Commission Regulation (EU) 2019/650 of 24 April 2019 amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards Yohimbe (Pausinystalia yohimbe (K. Schum) Pierre ex Beille) (O.J. No. L 110, 25.4.2019, p. 21).

Regulation 4(2) of the 2007 Regulations is amended so that it is an offence to add a substance listed in Annex III Part A to the EC Regulation to foods, or to use such a substance in the manufacture of foods.

Regulation 4(2) of the 2007 Regulations is further amended so that it is an offence to add a substance listed in Annex III Part B to the EC Regulation to foods, or to use such a substance in the manufacture of foods unless that substance is added or used in accordance with the conditions specified in that Part.

A new transitional provision (regulation 4A) is inserted into the 2007 Regulations to provide that an offence is not committed in respect of any food that does not comply with the provisions of Annex III, Part B relating to trans fat other than trans fat naturally occurring in fat of animal origin and which is placed on the market before 1st April 2021.

A full impact assessment has not been produced for this rule as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

NI2020120810 11 12/2020 19585

http://www.legislation.gov.uk/id/nisr/2020/310

ISBN 978-0-33-801464-1

