STATUTORY RULES OF NORTHERN IRELAND

2024 No. 196

FOOD

The Bread and Flour (Amendment) Regulations (Northern Ireland) 2024

Made - - - - 20th November 2024

Coming into operation in accordance with regulation 2

The Department of Health(**a**) in exercise of the powers conferred on it by Articles 15(1), 17(1)(c), 25(1)(a) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**b**) hereby makes the following Regulations.

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

There has been consultation, as required by Article 9 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(**c**), during the preparation and evaluation of these Regulations.

Citation and Interpretation

1.—(1) — These Regulations may be cited as the Bread and Flour (Amendment) Regulations (Northern Ireland) 2024.

(2) In these Regulations, "the Bread and Flour Regulations" means the Bread and Flour Regulations (Northern Ireland) 1998.(**d**)

Commencement

2.—(1) The following provisions of these Regulations come into operation on 13th December 2024—

(a) regulation 1 and this regulation;

(b) regulation 3(1) for the purpose of commencing the provisions of paragraphs (2), (3), (4), (5), (6) and (9) of that regulation.

(2) The following provisions of these Regulations come into operation on 13th December 2026—

(**a**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1
(**b**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)
(**c**) OJ L 31, 1.2.2002, p. 1–24, as last amended by Commission Delegated Regulation (EU) 2024/908 (OJL, 2024/908, 20.3.2024)
(**d**) S.R. 1998 No.24 as amended by S.R. 1999 No.244, S.R. 2005 No.574, S.R. 2014 No.223 and S.R. 2019 No.5

(a) regulation 3(1) for the purpose of commencing the provisions of paragraphs (7) and (8) of that regulation.

Amendment of the Bread and Flour Regulations

3.—(1) The Bread and Flour Regulations are amended as follows.

(2) In regulation 2 (Interpretation)—

(a) after the definition of "bread", insert—

""common wheat" means Triticum aestivum L;";

(b) after the definition of "Regulation (EU) No 1169/2011" omit "and";

(c) after the definition of "sell", replace the "." with "; and", and then insert—

""wholemeal flour" means the flour consisting of the whole of the product obtained from the milling or grinding of cleaned cereals.".

(3) In regulation 3 (Exemptions)—

(a) for paragraph (2) substitute—

"(2) These Regulations shall not apply in respect of—

(a) any bread or flour brought into Northern Ireland from an EEA State in which it was lawfully produced and sold;

(b) any bread or flour lawfully produced in another member State and brought into Northern Ireland from a member State in which it was lawfully sold;

(c) any bread or flour lawfully produced outside the European Union and brought into Northern Ireland from a member State in which it was in free circulation and lawfully sold;

(d) any bread produced in Northern Ireland which is to be exported to any country outside the United Kingdom;

(e) any flour produced in Northern Ireland which is—

(i) to be exported to any country outside the United Kingdom; or

(ii) for use in the production of food that is to be exported to any country outside the United Kingdom,

which is suitably labelled to give the nature of the bread or flour.".

(4) In regulation 4 (Composition of flour)—

(a) in paragraph (1)—

(i) for the words "paragraph (2)" substitute "paragraphs (1A) and (2)";

(ii) before the word "wheat" insert "common";

(b) after paragraph (1), insert—

"(1A) The requirements specified in paragraph (1) shall not apply to—

(a) wholemeal flour; or

(b) flour produced by a small mill which is a production site which has—

(i) a maximum annual production capacity of 500 metric tonnes of flour, and

(ii) produced less than 500 metric tonnes of flour for each of the last three calendar years.";

(c) in paragraph (2) omit sub-paragraph (a); and

(d) for paragraph 3 substitute—

"(3) The substances specified in items 2 to 4 of Schedule 1 shall be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.".

(5) Omit regulation 7 (Offences and penalties).

(6) For regulation 10 (Application of various provisions of the Order), substitute—

"10. Application and modification of provisions of the Order

The provisions of the Order specified in column 1 of the table in Schedule 5 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.".

(7) After regulation 10 insert—

"10A. Transitional provisions

An authorised officer of a district council must not serve an improvement notice under Article 9(1) of the Order, as applied and modified by regulation 10, as read with Schedule 5, if—

(a) the improvement notice would relate to a product that was placed on the market or labelled before 13th December 2026; and

(b) the matters constituting the alleged contravention would not have constituted an offence under the Bread and Flour Regulations as they applied immediately before 13th December 2026.".

(8) For Schedule 1 substitute Schedule 1 as set out in Schedule 1 to these Regulations.

(9) After Schedule 4 insert Schedule 5 as set out in Schedule 2 to these Regulations.

Sealed with the official seal of the Department of Health on 20th November 2024.

L.S.

Chris Matthews
A senior officer of the Department of Health

SCHEDULE 1 Regulation 3(8)

"SCHEDULE 1 Regulation 4(1), (2), (3) and (5)

Essential Ingredients of Flour

	Column 1 *Substance*	*Column 2* *Required quantity, in milligrams per hundred grams of flour, and conditions of use*
(1)	Calcium carbonate	(a) not less than 300, and (b) not more than 455, (c) conforming with the criteria for E 170 calcium carbonate in the Annex to Commission Regulation (EU) 231/2012 laying down specifications for food additives listed in Annexes 2 and 3 to Regulation (EC) No 1333/2008 of the European Parliament and of the Council.[(a)]
(2)	Iron	(a) not less than 2.10, (b) in the form of any, or any combination of two or more, of the following— (i) ferric ammonium citrate conforming to the criteria in the monograph for ferric ammonium citrate contained in the British Pharmacopoeia 1973 at page 201; (ii) ferrous sulphate conforming to the criteria in the monograph for ferrous sulfate heptahydrate contained in the British Pharmacopoeia 2023 at page I-1037; (iii) dried ferrous sulphate conforming to the criteria in the monograph for dried ferrous sulfate contained in the British Pharmacopoeia 2023 at page I-1036; (iv) iron powder conforming to the description, specification and requirements contained in Schedule 2.
(3)	Thiamin (Vitamin B1)	(a) not less than 0.24, (b) in a form conforming to the criteria in the monograph for thiamine hydrochloride contained in the British Pharmacopoeia 2023 at page II-1129.
(4)	Niacin	(a) not less than 2.40, (b) in a form conforming to the criteria in the monograph for nicotinic acid contained in the British Pharmacopoeia 2023 at page II-404, or in a form conforming to the criteria in the monograph for nicotinamide contained in the British Pharmacopoeia 2023 at page II-399.
(5)	Folic Acid	(a) 0.250, (b) in the form of pteroylmonoglutamic acid conforming to the criteria in the monograph for folic acid hydrate contained in the British Pharmacopoeia 2023 at page I-1110.

[(a)] OJ L 83, 22.3.2012, p. 1–295"

SCHEDULE 2

Regulation 3(9)

"SCHEDULE 5

Regulation 10

Application and modification of provisions of the Order

Column 1 *Provision of the Order*	*Column 2* *Modifications*
Article 4 (Presumptions that food intended for human consumption)	For "this Order" substitute "the Bread and Flour Regulations (Northern Ireland) 1998".
Article 9(1) and (2) (Improvement notices)	For paragraph (1) (Improvement notices) substitute— "(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any of regulations 4 to 6 of the Bread and Flour Regulations (Northern Ireland) 1998, 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 (not being less than 14 days) as may be specified in the notice. (1A) If an authorised officer has reasonable grounds for believing that a person is failing to comply with regulation 4(4) of the Bread and Flour Regulations (Northern Ireland) 1998 due to an act or default of some other person, the authorised officer may, by a notice served on that other person (in this Order referred to as an "improvement notice")— (a) state the officer's grounds for believing there has been a failure to comply with regulation 4(4); (b) specify the matters which constitute the act or default which have caused the failure so to comply; (c) specify the measures which, in the officer's opinion, the person served must take in order to secure compliance; and (d) require that person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified

	in the notice.”.
Article 19 (Offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998,”.
Article 20(1) and (5) (Defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998”.
Article 30(8) (Evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Bread and Flour Regulations (Northern Ireland) 1998”.
Article 34 (Obstruction etc. of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Bread and Flour Regulations (Northern Ireland) 1998”.
Article 36(1) and (2) (Punishment of offences)	In paragraph (1), after “Article 34(1)”, insert “, as applied and modified by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998”.
	After paragraph (1), insert—
	“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998 shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”
	In paragraph (2) for “any other offence under this Order” substitute “an offence under Article 34(2), as applied by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland)1998,”.
Article 37(1) and (3) (Appeals)	For paragraph (1) 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 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998, may appeal to the court of summary jurisdiction.”.
	In paragraph (3) for “(2)” substitute “(1)”.
Article 38 (Appeals against improvement notices)	For paragraph (1) substitute—
	“(1) On an appeal against an improvement notice served under Article 9(1), as applied and modified by regulation 10 of, and Schedule 5 to, the Bread and Flour Regulations (Northern Ireland) 1998, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bread and Flour Regulations (Northern Ireland) 1998 ("the 1998 Regulations").

Regulation 3(2) introduces definitions of "common wheat" and "wholemeal flour" to the 1998 Regulations.

Regulation 3(4) and (8) and Schedule 1 make changes to the essential ingredients of flour in Schedule 1 of the 1998 Regulations to provide for the mandatory addition of folic acid and changes to the required quantities of calcium carbonate, iron and niacin. There are exemptions provided for wholemeal flour and flour produced by a small mill.

Regulation 3(5), (6), (7) and (9) and Schedule 2 revoke regulation 7 and substitute regulation 10 of the 1998 Regulations in relation to offences and penalties and the application and modification of certain Articles of the Food Safety (Northern Ireland) Order 1991. It is replaced by the application and modification of certain Articles of the Food Safety (Northern Ireland) Order 1991 as set out in a new Schedule 5 to the 1998 Regulations to provide for enforcement by way of improvement notices and the offence of failing to comply with an improvement notice.

Regulation 3(7) makes transitional provision.

A full impact assessment of the effect that these Regulations will have on the costs to business and food authorities is available with these Regulations at www.legislation.gov.uk.

The British Pharmacopeia 1973 and 2023, referred to in Schedule 1, may be inspected at the Biomedical Library, Medical Biology Centre, 97 Lisburn Road, Belfast, BT9 7BL Tel 028 9097 2710.

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