EXPLANATORY MEMORANDUM TO

THE FEED AND FOOD (MISCELLANEOUS AMENDMENTS AND REVOCATIONS) REGULATIONS (NORTHERN IRELAND) 2026 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Food Standards Agency (FSA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under the powers conferred by Articles 15(1), 25(1) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and Sections 11 and 22, paragraph 11M(1) of Part 1C of Schedule 2, and paragraph 21 of Part 3 of Schedule 7 to the European Union (Withdrawal) Act 2018.

2. Purpose

2.1 This Statutory Rule will amend six existing Statutory Rules to ensure that food and feed safety and standards requirements continue to be fully enforceable in Northern Ireland, and to correct some minor errors identified. A further three pieces of secondary legislation will be revoked as they are no longer necessary.

2.2 The six Statutory Rules being amended are:

a. The Specified Sugar Products Regulations (Northern Ireland) 2003 (S.R. 2003 No. 301);
b. The Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3);
c. The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007 No.301);
d. The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 (S.R. 2016 No.4);
e. The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 251); and
f. The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016 No.415).

2.3 The three Statutory Rules being revoked are:

a. The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997;
b. The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009; and
c. The Salad Cream Regulations (Northern Ireland) 1966.

3. Background

3.1 Amendments are necessary as outlined below to ensure the affected legislation is clear and up to date and to provide for the enforcement of existing food and feed safety and

standards requirements, ensuring Northern Ireland consumers continue to be protected.

3.2 The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 provide for the enforcement of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances. The 2007 Regulations are being amended to provide for a specific offence for non-compliance with requirements on certain products which are prohibited or restricted due to risk to human health. These changes were previously made in 2020 but had to be revoked due to a drafting error.

3.1 The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 provide for the enforcement of several EU Regulations relating to foods for specific groups, which meet the unique nutritional needs of vulnerable populations. Delegated Regulation (EU) 2017/1798 lays down the specific requirements for total diet replacement for weight control (TDR) products regarding compositional requirements; requirements for labelling, presentation and advertising; and notification requirements for placing the product on the market.

3.2 The proposed amendments provide for the enforcement of Delegated Regulation (EU) 2017/1798, by enabling an authorised officer of a district council to serve an Improvement Notice if there are reasonable grounds for believing that a Food Business Operator (FBO) is failing to comply with requirements.

3.3 The Food Hygiene Regulations (Northern Ireland) 2006 are being amended to revoke provisions, which are no longer necessary, in relation to requirements placed on Northern Ireland food businesses regarding the form and application of health and identification marks for products of animal origin.

3.4 The Specified Sugar Products Regulations (Northern Ireland) 2003; the Caseins and Caseinates Regulations (Northern Ireland) 2016; and the Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 are each being amended to correct minor typographical errors.

3.5 The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997 and The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 are no longer required as they implement and enforce EU provisions that are no longer in force.

3.6 The Salad Cream Regulations (Northern Ireland) 1966 are no longer considered necessary. This will bring the legislative position in Northern Ireland in line with the rest of the UK, where equivalent legislation was revoked in 1991. Food information provisions will ensure consumers can continue to make informed choices.

4. Consultation outcome

4.1 The FSA previously sought stakeholder views on the proposed amendments to the 2007 Vitamins and Minerals Regulations in 2020. The consultation was sent to Health Trusts, supplements retail stores and other relevant bodies. There were two responses:

one was content with the proposed extension of offences and penalties, and the other said the changes would have minimal impact on their business.

4.2 Between September and November 2025, the FSA sought views from interested parties on all of the proposed changes in a six-week stakeholder engagement exercise. The FSA directly contacted district councils and relevant businesses in Northern Ireland and engaged with the College of Agriculture, Food and Rural Enterprise (CAFRE), as well as publishing the consultation on the FSA website. No responses were received and no changes were made to the draft legislation.

5. Equality Impact

5.1 This Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in Section 75 of the Northern Ireland Act 1998 and no adverse or differential impacts were identified.

6. Regulatory Impact

6.1 The main impact is considered to be one-off familiarisation costs to industry and district councils. The estimated one-off familiarisation costs to businesses and district councils, assuming one person per business and two officers per council is £6 for each business and £10.30 for each district council. This is based on word count of the Statutory Rule, standard reading time, and Annual Survey of Hours and Earnings (ASHE) figures.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 Consideration has been given to the human rights and equality implications of these Regulations. They are considered compatible with Section 24 of the Northern Ireland Act 1998. The proposed Regulations relate to food and feed safety and will not engage any Convention Rights.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure.

10.1 While this legislation is exclusive to Northern Ireland, parallel or similar legislation is in place in England, Scotland, and Wales.

11. Additional Information

11.1 Not applicable.