STATUTORY INSTRUMENTS

1967 No. 385

FOOD AND DRUGS

COMPOSITION

The Food (Control of Irradiation) Regulations 1967

Made - - - -	13*th March* 1967
Laid before Parliament	20*th March* 1967
Coming into Operation	1*st June* 1967

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Citation and Commencement

1. These regulations may be cited as the Food (Control of Irradiation) Regulations 1967 and shall come into operation on 1st June 1967.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Food and Drugs Act 1955;

"food" means food intended for sale for human consumption and includes—

(*a*) cream and any food containing milk, and

(*b*) drink, chewing gum and other products of a like nature and use, and

(*c*) articles and substances used as ingredients in the preparation of food or drink or of such products,

but, except as provided in paragraph (*a*) of this definition, does not include—

(i) water or milk,

(ii) live animals or birds, or

(iii) articles or substances used only as drugs;

"ionising radiation" means electromagnetic radiation (that is to say, X- or gamma-ray photons with a wave length below 500 angstroms) or corpuscular radiation (that is to say, electrons, positrons, protons, neutrons, alpha particles or heavy particles) being electromagnetic radiation or corpuscular radiation capable of producing ions and emitted from a radioactive substance or from a machine or apparatus that is intended to produce ionising radiation, or from a machine or apparatus in which charged particles are accelerated by a voltage of not less than five kilovolts;

AND other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 4 & 5 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63.

Enforcement

3. Each local authority shall enforce and execute the provisions of these regulations in their district:

Provided that each port health authority shall enforce and execute in their district the provisions of these regulations so far as they relate to importation.

Subjection of food to irradiation

4. No person shall in the preparation of any food subject it to ionising radiation:

Provided that this regulation shall not prohibit the subjection of food to not more than ten rad of ionising radiation where the energy of the radiation delivered does not exceed five million electron volts.

Sale etc. of irradiated food

5. No person shall sell, have in his possession for sale, or offer, or expose for sale, or consign or deliver or import into England and Wales, food which has been subjected to ionising radiation prohibited by regulation 4 of these regulations.

Offences and penalties

6. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Application of various sections of the Act

7.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (insofar as it relates to offences in relation to warranties) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations.

(2) Paragraph (*b*) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th March 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health on 9th March 1967.

(L.S.) *Kenneth Robinson,*
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prohibit the application of ionising radiation (defined in regulation 2) to food intended for sale for human consumption. An exception is made in respect of the application of a low level of such radiation (regulation 4). This will permit the continued use of certain types of nucleonic equipment which are at present used as measuring instruments.

The regulations also prohibit the sale or importation of food which has been subjected to ionising radiation other than that permitted by regulation 4.