EXPLANATORY MEMORANDUM TO

THE JAM AND SIMILAR PRODUCTS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 103

1. Introduction

1.1 This explanatory memorandum has been prepared by the Food Standards Agency 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)(a) and (e), 25(1) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and Sections 11 and 22 and paragraph 11M(1) of Part 1C of Schedule 2, and paragraph 21(b) of Schedule 7 to the European Union Withdrawal Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1 Directive (EU) 2024/1438 introduces amendments to four existing EU Directives, which are part of a group of legislation collectively referred to as the "Breakfast Directives." The Directives being amended set requirements for the composition, labelling, and processing of honey, fruit juices, jams and marmalades, and dehydrated preserved milk.

2.2 The Breakfast Foods (Amendment) Regulations (Northern Ireland) 2026 implemented the obligations of Directive (EU) 2024/1438 by amending four existing Northern Ireland Statutory Rules including the Jam and Similar Products Regulations (Northern Ireland) 2018. Due to an oversight during the development of the Breakfast Foods (Amendment) Regulations (Northern Ireland) 2026, an additional Statutory Rule is now required to provide for updated compositional standards for jelly and extra jelly.

2.3 The quantity of fruit used in jelly and extra jelly must not be less than that laid down for the manufacture of jam and extra jam. Therefore, the amendments will increase the minimum fruit content for jelly and extra jelly, in line with the increased minimum fruit content for jam and extra jam.

2.4 The existing legislation provides that these requirements are enforced by Improvement Notices. This enables an authorised officer of a district council to serve an Improvement Notice if there are reasonable grounds for believing that a Food Business Operator is failing to comply with the requirements of the Regulations. Any person who fails to comply with an improvement notice shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

2.5 Improvement Notices are consistent with enforcement provisions contained within other food standards related legislation. They are intended to improve compliance with legislation while minimising the burden on businesses, enforcement authorities and the judicial system and are considered a desirable consequential deterrent for non-compliances. Businesses have the opportunity to appeal against an improvement notice which provides a valuable safeguard.

2.6 The Regulations will come into operation and requirements will apply from 30 June 2026. Any products lawfully placed on the market or labelled before the coming into operation of these Regulations in accordance with the Jam and Similar Products Regulations (Northern Ireland) 2018 as in operation at the time may continue to be marketed until stocks are exhausted.

3. Background

3.1 The Breakfast Directives comprise a series of EU measures that govern the composition, labelling and marketing of breakfast-related foodstuffs. The amendments being transposed by these Regulations are intended to enable consumers to make healthier food choices.

3.2 The Breakfast Directives are listed in Annex 2 to the Windsor Framework. Food Standards Agency officials provided a briefing on Directive (EU) 2024/1438 to the Windsor Framework Democratic Scrutiny Committee on 6 June 2024. The Committee resolved not to conduct an inquiry into the Directive.

4. Consultation

4.1 In August 2023, all UK nations sought preliminary views from interested parties on the proposed EU amendments. Following publication of the final Directive, the Food Standards Agency (FSA) in Northern Ireland undertook a three-week stakeholder engagement exercise in June 2024.

4.2 Three responses were received, all from Northern Ireland based stakeholders. The impact of the changes was assessed as low: two honey producers supply only single-source honey, and the large retailer/distributor requires all products to comply with EU standards to maintain market access.

4.3 Subsequently, the FSA in Northern Ireland conducted a public consultation on the transposition and enforcement of the EU amendments to the Breakfast Directives between 19 March and 14 May 2025.

4.4 Six responses were received, five relating to honey amendments and one concerning fruit juice. All respondents identified as organisations or food businesses. Of these, four opposed implementations of the EU Directive, one supported implementation, and one indicated no impact. Those opposing implementation expressed concerns about the EU requirements themselves rather than the proposed domestic transposition and enforcement approach. No specific issues were raised in relation to jams or jellies.

5. Equality Impact

5.1 The amendments will apply uniformly across society and are not expected to have any differential impact on the equality categories specified in Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1 A full Regulatory Impact Assessment accompanied the Breakfast Foods (Amendment) Regulations (Northern Ireland) 2026. That Assessment covers transposition of Directive (EU) 2024/1438 in full and so is also relevant to these Regulations.

6.2 The only additional impact associated with these Regulations is minor familiarisation costs for District Councils and businesses placing jelly or extra jelly on the Northern Ireland market.

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 implications of these Regulations, and they are deemed to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 No additional provisions beyond what is necessary to transpose the Directive are included in the Regulations. A Transposition Note will accompany the Regulations.

10. Parity or Replicatory Measure

10.1 These changes are being implemented in Northern Ireland only. The Breakfast Directives, as implemented in national legislation across the UK, sit within the scope of the Food Compositional Standards and Labelling Provisional Common Framework. Four nation consideration will continue to take place under the Framework.

11. Additional Information

11.1 Not applicable.