STATUTORY INSTRUMENTS

1980 No. 1838

FOOD AND DRUGS

The Materials and Articles in Contact with Food (Amendment) Regulations 1980

Made - - - -	*1st December* 1980
Laid before Parliament	*9th December* 1980
Coming into Operation	*1st January* 1981

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to materials and articles in contact with food or drink or intended for such contact, acting jointly in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Materials and Articles in Contact with Food (Amendment) Regulations 1980 and shall come into operation on 1st January 1981.

(2) Any reference in these regulations to a numbered regulation shall, unless the context otherwise requires, be construed as a reference to the regulation so numbered in the Materials and Articles in Contact with Food Regulations 1978(c) (hereinafter referred to as "the principal regulations").

Amendment of the principal regulations

2. Regulation 4 shall be amended by inserting after paragraph (2) the following paragraph:—

"(2A) Materials and articles to which this regulation applies and which are manufactured with vinyl chloride polymers or copolymers shall not contain vinyl chloride monomer in a quantity exceeding 1 milligram per kilogram of the material or article.".

3. Regulation 5(1) shall be amended by substituting for sub-paragraph (*a*) the following sub-paragraph:—

"(*a*) unless the material or article is by its nature clearly intended to come into contact with food—

(i) the description "for food use", or

(ii) a specific indication of the particular use for which the material or article is intended, or

(iii) the symbol that appears in the Schedule to these regulations,".

(a) S.I. 1976/2141. (b) 1972 c. 68. (c) S.I. 1978/1927.

4. Regulation 6(1) shall be amended by substituting for sub-paragraph (*a*) the following sub-paragraph:—

"(*a*)(i) the description "for food use", or

(ii) a specific indication of the particular use for which the material or article is intended, or

(iii) the symbol that appears in the Schedule to these regulations,".

5. Regulation 7 shall be amended—

(*a*) by inserting at the end of paragraph (1) the words "and, if applicable, of regulation 4(2A)";

(*b*) by inserting after paragraph (1) the following paragraph:—

"(1A) No person shall sell any material or article in relation to which the symbol that appears in the Schedule to these regulations or any symbol substantially similar thereto is used, unless that material or article complies with the provisions of regulation 4(2) and, if applicable, of regulation 4(2A).";

(*c*) by inserting in paragraph (2) after the word "used" the words ", or in which the symbol that appears in the Schedule to these regulations or any symbol substantially similar thereto is used";

(*d*) by inserting at the end of paragraph (2) the words "and, if applicable, of regulation 4(2A)".

6. Regulation 12 shall be amended—

(*a*) by inserting at the beginning of paragraph (5) the words "In England and Wales";

(*b*) by inserting after paragraph (5) the following paragraph:—

"(5A) In Scotland in any proceedings under these regulations the production by one of the parties of a document purporting to be a certificate under paragraph (3) of this regulation, or of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless, in the first mentioned case, the other party requires that the analyst shall be called as a witness, and in that event the evidence of the analyst shall be sufficient evidence of the aforesaid facts.".

7. Regulation 13 shall be amended—

(*a*) by inserting at the beginning of paragraph (3) the words "In England and Wales";

(*b*) by inserting after paragraph (3) the following paragraph:—

"(4) In Scotland any certificate of the results of an analysis, examination or test transmitted by the Government Chemist under this regulation shall be signed by or on behalf of the Government Chemist, but the analysis, examination or test may be made by any person acting under the direction of the person by whom the certificate is signed; and any certificate so transmitted by the Government Chemist shall be sufficient evidence of the facts stated therein unless any party to the proceedings requires that the person by whom it is signed shall be called as a witness, and in that event the evidence of that person shall be sufficient evidence of the aforesaid facts.".

8. The principal regulations shall be amended by inserting after regulation 13 the following regulation:—

"Method of analysis

13A. The method used in analysing any sample for the purpose of establishing the quantity of vinyl chloride monomer present in order to determine whether it complies with the provisions of regulation 4(2A) shall be the method specified in the Annex to Commission Directive No. 80/766/EEC(a) laying down the Community method of analysis for the official control of the vinyl chloride monomer level in materials and articles which are intended to come into contact with foodstuffs.".

9. The principal regulations shall be amended by inserting as the Schedule thereto the Schedule set out in the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th November 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State.

1st December 1980.

(a) O.J. No. L 213, 16.8.80, p. 42.

Regulation 9

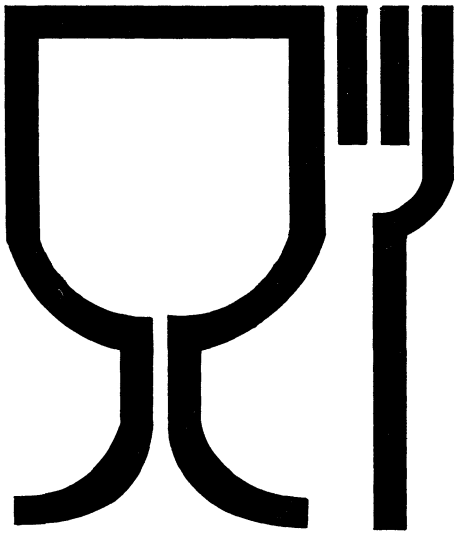
SCHEDULE

NEW SCHEDULE TO THE PRINCIPAL REGULATIONS

Regulations 5(1), 6(1) and 7(1A) and (2)

SCHEDULE

SYMBOL THAT MAY ACCOMPANY MATERIALS AND ARTICLES INTENDED FOR CONTACT WITH FOOD



EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which come into operation on 1st January 1981, amend the Materials and Articles in Contact with Food Regulations 1978. They implement Commission Directive No. 80/590/EEC (O.J. No. L151, 19.6.80, p. 21) determining the symbol that may accompany materials and articles intended to come into contact with foodstuffs and Commission Directive No. 80/766/EEC (O.J. No. L213, 16.8.80, p. 42) laying down the Community method of analysis for the official control of the vinyl chloride monomer level in materials and articles which are intended to come into contact with foodstuffs. They implement in part Council Directive No. 78/142/EEC (O.J. No. L44, 15.2.78, p. 15) on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs.

The regulations—

(*a*) insert a provision limiting the quantity of vinyl chloride monomer in materials and articles manufactured with vinyl chloride polymers or copolymers and intended for contact with food and make consequential amendments (regulations 2 and 5(*a*) and (*d*));

(*b*) amend the labelling requirements for materials and articles which, being in their finished state, are intended to come into contact with food but are not already in contact with food to enable the symbol that appears in Commission Directive No. 80/590/EEC to be used instead of the description "for food use" or a specific indication of the particular use for which the materials and articles are intended (regulations 3, 4 and 9 and Schedule);

(*c*) restrict the use of the symbol to materials and articles which comply with the principal regulations (regulation 5(*b*) and (*c*));

(*d*) amend regulations 12 and 13 of the principal regulations to take into account fully the law of evidence in Scotland (regulations 6 and 7); and

(*e*) insert a method of analysis for establishing the quantity of vinyl chloride monomer in materials and articles to which the principal regulations apply (regulation 8).

SI 1980/1838
ISBN 0-11-007838-1

