

S.I. No. 128/2011 — European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2011.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th March, 2011.*

I, JAMES REILLY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Commission Directive 2008/84/EC of 27 August 2008¹ and for the purpose of giving effect to Commission Directive 2010/67/EU of 20 October 2010², hereby make the following regulations—

1. (1) These Regulations may be cited as the European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2011.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009 and 2011.

2. In these Regulations—

“Principal Regulations” means the European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009 (S.I. No. 277 of 2009).

3. The Principal Regulations are amended—

(a) in Regulation 2(1), by substituting for the definition of “Commission Directive” the following—

““Commission Directive” means Commission Directive 2008/84/EC¹ of 27 August 2008, as amended by Commission Directive 2009/10/EC¹¹ of 13 February 2009 and Commission Directive 2010/67/EU^{11a} of 20 October 2010;”

and by the addition of the following footnote thereto:

“11a OJ L 277, 21.10.2010, p. 17.”

(b) in Regulation 18, by substituting for paragraph (2) the following—

“A person who is guilty of an offence under these Regulations is liable:

(a) on summary conviction, to a class A fine or at the discretion of the court to imprisonment for a term not exceeding 6 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.”,

(c) in Regulation 18, by inserting after paragraph (3) the following—

“(4) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(5) An order for costs and expenses under paragraph (4) is in addition to, and not instead of, any fine or penalty the court may impose under paragraph (2).”.

L.S.

GIVEN under my Official Seal,
28 March 2011.

JAMES REILLY,
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to Commission Directive 2010/67/EU of 20 October 2010 amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners.

These Regulations contain enforcement provisions to give further effect to Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners

These Regulations amend the European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009 (S.I. No. 277 of 2009) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2011.

1 OJ L 253, 20.9.08, p. 1.

2 OJ L 277, 21.10.2010, p. 17.

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