

European Communities (General Food Law) (Amendment) Regulations 2010 (S.I. No. 498/2010)

I, MARY HARNEY, 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 specific provisions relating to food of Regulation (EC) No. 178/2002¹ of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (General Food Law) (Amendment) Regulations 2010.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (General Food Law) Regulations 2007 and 2010 and shall be construed together as one.

2. In these Regulations, “Principal Regulations” means European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007).

3. Regulation 25 of the Principal Regulations is amended—

(a) in paragraph (3)(a), by substituting “6” for “3”, and

(b) 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 (3).”



GIVEN under my Official Seal,

18 October 2010.

MARY HARNEY,

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 contain enforcement provisions to give further effect to Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, insofar as those provisions relate to food.

These Regulations amend the European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (General Food Law) (Amendment) Regulations 2010.

1 OJ L 31, 1.2.2002, p. 1, as amended.