

Statutory Rule 1997 No. 340

**Miscellaneous Food Additives (Amendment) Regulations
(Northern Ireland)
1997**

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STATUTORY RULES OF NORTHERN IRELAND

1997 No. 340

FOOD

Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland)
1997

Made

23rd July 1997

Coming into operation

8th September 1997

The Department of Health and Social Services and the Department of Agriculture
being the Departments

concerned[1] in exercise of the powers conferred on them by Articles 15(1)(a),
16(1), 17(1), 25(1) and

(3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety
(Northern Ireland) Order

1991[2] and of all other powers enabling them in that behalf and after
consultation in accordance with

Article 47(3) of that Order with such organisations as appear to them to be
representative of interests likely

to be substantially affected by these Regulations, hereby make the following
Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives
(Amendment)

Regulations (Northern Ireland) 1997 and shall come into operation on 8th
September 1997.

(2) In these Regulations "the principal Regulations" means the Miscellaneous
Food Additives

Regulations (Northern Ireland) 1996[3].

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations
3 to 10.

3. In regulation 2(1) (interpretation)—

(a) in the definition of "Directive 95/2/EC" there shall be inserted at the end "
as amended by

European Parliament and Council Directive 96/85/EC[4]";

(b) after the definition of "Directive 95/2/EC" there shall be inserted—

""Directive 96/77/EC" means Commission Directive 96/77/EC[5] laying
down specific purity

criteria on food additives other than colours and sweeteners;" ;

(c) for the definition of "purity criteria" there shall be substituted—
 ""purity criteria", in relation to a miscellaneous additive, means—
 (a) in the case of a miscellaneous additive for which purity criteria are
set out in the
 Annex to Directive 96/77/EC, those purity criteria;
 (b) in any other case, the purity criteria (if any) specified or referred to in
Schedule 5;" .

4. For paragraph (1) of regulation 4 (use of miscellaneous additives in or on
compound foods) there
 shall be substituted—
 " (1) Subject to paragraphs (3) and (4), where a permitted miscellaneous
additive is present in or
 on a compound food and that compound food contains, as an ingredient, a food
in or on which that
 miscellaneous additive was or could have been used without contravening any
of the provisions of
 paragraphs (2) to (5) or (7) of regulation 3, that miscellaneous additive shall
for the purposes of
 those paragraphs be deemed to have been used in or on that compound food
without contravening
 any of the provisions of those paragraphs." .

5. In paragraph (b) of regulation 8 (defence in relation to exports) for "and
Directive 95/2/EC" there
 shall be substituted " , Directive 95/2/EC and Directive 96/77/EC".

6. In regulation 9 (application of various provisions of the Order), after
paragraph (g) there shall be
 inserted—
 "(h) Article 36 (punishment of offences) in so far as it relates to offences
under Article 34(1)
 and (2)." .

7. In regulation 11 (transitional provisions and exemptions)—
 (a) after paragraph (1) there shall be inserted—
 " (1A) In any proceedings for an offence against these Regulations in
respect of any food
 additive or food, it shall be a defence to prove that—
 (a) the food additive or food concerned was put on the market or labelled
before 1st
 July 1997, and
 (b) the matter constituting the offence would not have constituted an
offence under
 these Regulations if the amendments made by regulations 3(b) and (c), 5
and 10 of the

Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997 had
not been made when the food additive or, as the case may be, the food was put on the
market or labelled." ;
(b) for paragraph (2) there shall be substituted—
" (2) These Regulations shall not apply in respect of any food additive or, as the case may
be, food which is brought into Northern Ireland having been lawfully put on the market or
labelled in another member State before 1st July 1997." ;
(c) in paragraph (3)(a), "on or after 1st July 1997" shall be omitted;
(d) in paragraph (4), for "paragraphs (2) and (3)" there shall be substituted
"paragraph (3)".

8. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in
Schedule 6, 7 or 8) there shall be inserted after the entry relating to "E 407 Carrageenan" the following
entry—
E 407a
Processed eucheuma seaweed

9. In Schedule 3 (other permitted miscellaneous additives), at the end there shall be substituted for the
entries relating to propane, butane, and iso-butane the following entries—
"Propane[6]

Butane[6]

Iso-Butane[6]
Garlic flavoured oil spray for producing garlic bread and pizza
Vegetable oil pan spray for professional use only Water-based emulsion sprays

quantum satis

10. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the
Schedule to these Regulations shall be omitted.

Amendment of the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977

11. In the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977[7], in the proviso to

regulation 11(1) (permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and

fruit nectar) for sub-paragraph (a) there shall be substituted:—

"(a) any such food may contain any permitted miscellaneous additive, so however that no fruit juice shall contain both added sugar and added acid;" .

Sealed with the Official Seal of the Department of Health and Social Services on

D. A. Baker

Assistant Secretary

23rd July 1997.

Sealed with the Official Seal of the Department of Agriculture on

Liam McKibben

Assistant Secretary

23rd July 1997.

Notes:

[1] See Article 2(2) of S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) for the definitions of "the

Department concerned" and "regulations" and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions back

[2] S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) back

[3] S.R. 1996 No. 50 back

[4] O.J. No. L86, 28.3.97, p. 4 back

[5] O.J. No. L339, 30.12.96, p. 1 back

[6] Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC. back

[7] S.R. 197

SCHEDULE

Regulation 10

Miscellaneous additives for which specific purity criteria specified or referred to in Schedule 5 to the principal Regulations are omitted

E 200	Sorbic acid
E 202	Potassium sorbate
E 203	Calcium sorbate
E 210	Benzoic acid
E 211	Sodium benzoate
E 212	Potassium benzoate
E 213	Calcium benzoate
E 214	Ethyl <i>p</i> -hydroxybenzoate
E 215	Sodium ethyl <i>p</i> -hydroxybenzoate
E 216	Propyl <i>p</i> -hydroxybenzoate
E 217	Sodium propyl <i>p</i> -hydroxybenzoate
E 218	Methyl <i>p</i> -hydroxybenzoate
E 219	Sodium methyl <i>p</i> -hydroxybenzoate
E 220	Sulphur dioxide
E 221	Sodium sulphite (anhydrous or heptahydrate)
E 222	Sodium hydrogen sulphite
E 223	Sodium metabisulphite
E 224	Potassium metabisulphite
E 226	Calcium sulphite
E 227	Calcium hydrogen sulphite
E 228	Potassium hydrogen sulphite
E 230	Biphenyl, diphenyl
E 231	Orthophenyl phenol
E 232	Sodium orthophenyl phenol
E 233	Thiabendazole

E 234	Nisin
E 239	Hexamethylene tetramine
E 249	Potassium nitrite
E 250	Sodium nitrite
E 251	Sodium nitrate
E 252	Potassium nitrate
E 260	Acetic acid
E 261	Potassium acetate
E 262(i)	Sodium acetate
E 262(ii)	Sodium diacetate
E 263	Calcium acetate
E 270	Lactic acid
E 280	Propionic acid
E 281	Sodium propionate
E 282	Calcium propionate
E 283	Potassium propionate
E 290	Carbon dioxide
E 300	Ascorbic acid
E 301	Sodium ascorbate
E 302	Calcium ascorbate
E 304	Fatty acid esters of ascorbic acid
E 304(i)	Ascorbyl palmitate
E 306	Tocopherol-rich extract
E 307	Alpha-tocopherol
E 308	Gamma-tocopherol
E 309	Delta-tocopherol
E 310	Propyl gallate
E 311	Octyl gallate
E 312	Dodecyl gallate
E 320	Butylated hydroxyanisole (BHA)
E 321	Butylated hydroxytoluene (BHT)
E 322	Lecithins
E 325	Sodium lactate
E 326	Potassium lactate
E 327	Calcium lactate

E 330	Citric acid
E 331(i)	Monosodium citrate
E 331(ii)	Disodium citrate
E 331(iii)	Trisodium citrate
E 332(i)	Monopotassium citrate
E 332(ii)	Tripotassium citrate
E 333(i)	Monocalcium citrate
E 333(ii)	Dicalcium citrate
E 333(iii)	Tricalcium citrate
E 334	L-(+)-Tartaric acid
E 335(i)	Monosodium L-(+)-tartrate
E 335(ii)	Disodium L-(+)-tartrate
E 336(i)	Monopotassium L-(+)-tartrate
E 336(ii)	Dipotassium L-(+)-tartrate
E 337	Sodium Potassium L-(+)-tartrate
E 338	Phosphoric acid
E 339(i)	Monosodium phosphate
E 339(ii)	Disodium phosphate
E 339(iii)	Trisodium phosphate
E 340(i)	Monopotassium phosphate
E 340(ii)	Dipotassium phosphate
E 340(iii)	Tripotassium phosphate
E 341(i)	Monocalcium phosphate
E 341(ii)	Dicalcium phosphate
E 341(iii)	Tricalcium phosphate
E 385	Calcium disodium ethylenediamine - N N N'N' - tetra-acetate

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Miscellaneous Food Additives Regulations (Northern Ireland) 1996 ("the principal Regulations").

The Regulations—

- (a) implement European Parliament and Council Directive 96/85/EC amending Directive 95/2/EC on food additives other than colours and sweeteners, by adding processed eucheuma seaweed to the list of

miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to the principal Regulations (regulations 3(a) and 8);

(b) implement Commission Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (regulations 3(b) and (c), 7(a) and 10 and the Schedule), and make a consequential amendment (regulation 5);

(c) clarify the provisions in the principal Regulations relating to the use of miscellaneous additives in or on compound foods (regulation 4);

(d) add to the list of permitted uses for propane, butane and iso-butane on a temporary basis in accordance with Article 5 of Directive 89/107/EEC on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (regulation 9);

(e) make a few corrections to the principal Regulations to reflect provisions in Directive 95/2/EC, notably relating to using up old stocks of products from other member States (regulation 7(b) to (d));

(f) apply specified provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of the principal Regulations (regulation 6);

(g) make a correction to the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977, as amended, to reflect Article 4(3) of Council Directive 93/77/EEC relating to fruit juices and certain similar products (O.J. No. L244, 30.9.93, p. 23) (regulation 11).