

FOOD STANDARDS (POTATOES) (AMENDMENT) REGULATIONS 1996

I, IVAN YATES, Minister for Agriculture, Food and Forestry in exercise of the powers conferred on me by section 2 of the Food Standards Act, 1974 (No. 11 of 1974), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 1993, (S.I. No. 11 of 1993), and after consultation with the Minister for Health and the Minister for Enterprise and Employment and such organisations as appear to me to be interested to a substantial extent in the subject matter, hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the Food Standards (Potatoes) (Amendment) Regulations, 1996.
- (2) These Regulations shall come into operation on the first day of February 1996.

REG 2

2. In these Regulations:—
"the Principal Regulations" means the Food Standards (Potatoes) Regulations, 1977, (S.I. No. 367 of 1977).

REG 3

3. Regulation 2 of the Principal Regulations is amended by entry of additional definitions as follows:—
"potato size" means the length in millimetres, rounded downwards to the nearest multiple of 5, of each side of the smallest square mesh through which a potato will pass without the application of pressure;
"range of potato sizes" means the size range from the smallest potato size to the largest potato size.

REG 4

4. (1) Regulation 4 (c) of the Principal Regulations is hereby amended by the substitution of the words "of potatoes, and" with the words "of potatoes."
- (2) Regulation 4 (d) of the Principal Regulations is hereby revoked.

REG 5

5. Regulation 5 of the Principal Regulations is hereby amended by substitution with:
"5. (1) A person shall not sell potatoes which pass without pressure through a square mesh each side of which measures 25 millimetres;
(2) A person shall not sell potatoes unless the range of potato sizes comprised in the sale is not greater than 35 millimetres."

REG 6

6. Regulation 6 of the Principal Regulations is hereby amended by substitution of paragraph (4) with:

"(4) A quantity of potatoes which otherwise complies with Regulation 4 (a), Regulation 4 (b) and Regulation 4 (c) of these Regulations shall be deemed to comply with Regulation 4 of these Regulations if not less than 92 per cent by weight of a reasonable sample of the potatoes comprised therein so comply."

REG 7

7. Regulation 7 of the Principal Regulations is hereby amended by substitution with:

"7. (1) Where potatoes are packed in a bag, box, carton, envelope, net, sack, wrapper or other container, they shall not be sold unless—

(a) the container or (if there is an inner container or containers and an outer container) at least one container bears a notice or inscription which is easily visible without removing or opening any container and states clearly and legibly—

(i) the variety of the potatoes and

(ii) the range of potato sizes and

(b) the container or (if there is an inner container or containers and an outer container) each container is either permeable to moisture or admits air to the next inner container or to the potatoes, as the case may be.

(2) Paragraph (1) (a) of this Regulation shall not apply in relation to the sale of potatoes which are prepackaged in quantities of less than 7 kilogrammes by a person who sells potatoes by retail on the premises where they are prepackaged or from a vehicle used by him provided that a notice stating (in the manner specified in the said paragraph) the matters required by that paragraph to be stated on a notice thereunder is displayed at the place where the potatoes are displayed for sale so as to be easily accessible, clearly visible and legible to the purchaser.

(3) A quantity of potatoes shall be deemed to comply with paragraph (1) (a) (i) of this Regulation if not less than 97 per cent by weight of a reasonable sample of the potatoes comprised therein so comply.

(4) A quantity of potatoes shall be deemed to comply with paragraph (1) (a) (ii) of this Regulation if not less than 97 per cent by weight of a reasonable sample of the potatoes comprised therein so comply."

REG 8

8. Regulation 8 (3) (a) of the Principal Regulations is hereby amended by substitution of paragraph (iii) and paragraph (iv) with:

"(iii) if the failure is in relation to Regulation 5 of these Regulations and the authorised officer is so requested by the owner

of the potatoes—

(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, to separate the potatoes in the quantity from each other, and

(II) upon being satisfied that the potatoes aforesaid have been separated in accordance with the permission aforesaid and any conditions specified in relation thereto, return the potatoes, as so separated, to the owner,

(iv) if the failure is in relation to paragraph (1) (a) (i) of Regulation 7 of these Regulations and the authorised officer is so requested by the owner of the potatoes—

(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, so to indicate the particular variety or varieties of the potatoes in the quantity as to bring them into conformity with the said paragraph (1) (a) (i), and

(II) upon being satisfied that the potatoes aforesaid have been brought into conformity as aforesaid with the said paragraph (1) (a) (i), return the potatoes to the owner,

(v) if the failure is in relation to paragraph (1) (a) (ii) of Regulation 7 of these Regulations and the authorised officer is so requested by the owner of the potatoes—

(I) permit the owner, subject to compliance by the owner with such conditions as the officer may specify, so to indicate the particular range of potato sizes in the quantity as to bring them into conformity with the said paragraph (1) (a) (ii), and

(II) upon being satisfied that the potatoes aforesaid have been brought into conformity as aforesaid with the said paragraph (1) (a) (ii), return the potatoes to the owner,"

REG 9

9. The following Regulations are hereby revoked:

(1) Food Standards (Potatoes) Regulations, 1978, (S.I. No. 6 of 1978), and

(2) Food Standards (Potatoes) (No. 2) Regulations, 1978, (S.I. No. 282 of 1978).

GIVEN under my Official Seal, this 3rd day of January, 1996.

IVAN YATES,

Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE.

These Regulations amend the grading and quality standards for potatoes sold for human consumption within the State but do not apply to new potatoes or potatoes for processing or export. The Regulations also amend the information to be provided on packages or at point of sale.