

HEALTH (ARSENIC AND LEAD IN FOOD) (AMENDMENT) REGULATIONS 1992

The Minister for Health, in exercise of the powers conferred on him by sections 5 of the Health Act, 1947 (No. 28 of 1947), and section 54 of that Act as amended by the European Communities (Health Act, 1947, Amendment of Sections 54 and 61) Regulations, 1991 (S.I. 333 of 1991), and section 38 (3) of the Health Act, 1953 (No. 26 of 1953) and section 6 of the Health Act, 1970 (No. 1 of 1970) and, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and Food, hereby makes the following Regulations:—

REG 1

1. (i) These Regulations may be cited as the Health (Arsenic and Lead in Food) (Amendment) Regulations, 1992.
- (ii) These Regulations shall come into operation on the 22nd day of April, 1992.

REG 2

2. (i) In these Regulations "the Principal Regulations" means the Health (Arsenic and Lead in Food) Regulations, 1972 (S.I. No. 44 of 1972).
- (ii) These Regulations shall be construed as one with the Principal Regulations and may be cited together with the Principal Regulations as the Health (Arsenic and Lead in Food) Regulations, 1972 and 1992.

REG 3

3. The Principal Regulations are hereby amended by—
 - (i) the deletion of article 5 and the substitution therefor of the following article—

"5. In any proceedings for an offence under these Regulations, it shall be a defence for the person charged to show that the food in respect of which the offence is alleged to have been committed was intended for export and complied with the domestic food legislation of the importing country relevant to the alleged offence."; and
 - (ii) the substitution in sub-article (1) of article 7 of the words "Health (Official Control of Food) Regulations, 1991 (S.I. No. 332 of 1991)" for "Health (Sampling of Food) Regulations, 1970, (S.I. No. 50 of 1970)."

GIVEN under the Official Seal, of the Minister for Health this 3rd day of April, 1992.

JOHN O'CONNELL,
Minister for Health.

EXPLANATORY NOTE.

These Regulations are a further implementation of EC Directive 89/397/EEC on the Official Control of Foodstuffs.

Reference to the Health (Sampling of Food) Regulations, 1970, (S.I. No. 50 of 1970), which have been revoked, is replaced with a reference to the Health (Official Control of Food) Regulations, 1991, (S.I. No. 332 of 1991).

The exemption previously provided for in the case of export or re-export is replaced with a new provision.