

HEALTH (TIN IN FOOD) REGULATIONS 1993

In exercise of the powers conferred on the Minister for Health, 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), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1993 (S.I. No. 62 of 1993), I, WILLIAM O'DEA, Minister of State at the Department of Health and, after consultation with the Minister for Enterprise and Employment, the Minister for Tourism and Trade and the Minister for Agriculture, Food and Forestry hereby make the following Regulations:—

REG 1

1. These Regulations may be cited as the Health (Tin in Food) Regulations, 1993.

REG 2

2. These Regulations shall come into operation on the 31st day of December 1993.

REG 3

3. (1) In these Regulations—

"the Act" means the Health Act, 1947;

"authorised officer" means an authorised officer for the purposes of Part IX of the Act;

"food" has the meaning assigned to it in Part V of the Act;

"sell" includes supply, offer or expose for sale and have in possession for sale and cognate words shall be construed accordingly;

(2) For the purposes of these Regulations, the supply of food otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food;

(3) Any reference in these Regulations to an owner or to a person responsible for food shall, in the case of food purchased from a vending machine, be construed as a reference—

(a) where the name and address of the proprietor is stated on the machine and such address is in the state, to the proprietor of the machine;

(b) in other cases to the occupier of the premises at or on which the machine stands or to which it is affixed.

(4) Any reference in these Regulations to a numbered article shall be construed as a reference to the article bearing that number in these Regulations.

REG 4

4. These Regulations shall be enforced and executed by health boards in their functional areas.

REG 5

5. (1) Where a sample of any food has been certified under the provisions of the Health (Official Control of Food) Regulations, 1991 not to comply with these Regulations, an authorised officer may seize, remove and detain such foodstuffs as being a foodstuff which is unfit for human consumption.

(2) With the consent in writing of the owner or person responsible for such foodstuff, an authorised officer may destroy or otherwise dispose of it so as to prevent its use for human consumption.

(3) An authorised officer who has seized any foodstuff in pursuance of the provisions of this article may, on giving notice in writing to the owner or person responsible for such foodstuff of his intention to do so, apply to a Judge of the District Court for an order directing that such food be destroyed or otherwise disposed of as being a foodstuff which is unfit for human consumption.

(4) A Judge of the District Court to whom the application is made for an order under sub-article (3) shall, if satisfied that such foodstuff does not comply with these Regulations, order that it be destroyed or otherwise disposed of after such period, not exceeding fourteen days, as may be specified in such order, as being a foodstuff which is unfit for human consumption and an authorised officer shall destroy or dispose of it accordingly.

REG 6

6. A person shall give to any authorised officer will reasonable assistance that the officer may require in the performance of this duties under these Regulations and such assistance shall include the giving of information relating to the composition and use of my foodstuff and the identity of the person from whom or the place from which any such foodstuff has been obtained and the person to whom and the place to which it has been consigned or the manner in which it has otherwise been disposed of.

REG 7

7. The level of tin in food shall not exceed 200 milligrams per kilogram of food.

REG 8

8. A person shall not manufacture, prepare, import, distribute or sell any food if it does not comply with these Regulations.

REG 9

9. These Regulations shall not apply to any food manufactured before 31st December 1993.

REG 10

10. 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.

Dated this 16th day of December, 1993.

WILLIAM O'DEA,
Minister of State at the Department
of Health.

EXPLANATORY NOTE.

These Regulations prohibit the sale and importation of any food intended for human consumption which contains more than 200 milligrams of tin per kilogram of such food.

The Regulations shall be enforced and executed by health boards in their functional areas.

The Regulations come into effect on 31st December, 1993.