STATUTORY RULES OF NORTHERN IRELAND

1996 No. 384

FOOD

Food (Lot Marking) Regulations (Northern Ireland) 1996

Made - - - -	*15th August 1996*
Coming into operation	*1st October 1996*

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)(*e*), 16(1), 25(1)(*a*) and (3), 26(3) and 47(2) of 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 the said 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 and commencement

1. These Regulations may be cited as the Food (Lot Marking) Regulations (Northern Ireland) 1996 and shall come into operation on 1st October 1996.

Interpretation

2. (1) In these Regulations—

"first seller established within the Community" has the same meaning as in Council Directive 89/396/EEC(**3**);

"food" means food, intended for sale for human consumption;

"the Food Labelling Regulations" means the Food Labelling Regulations (Northern Ireland) 1996(**4**);

"lot" means a batch of sales units of food produced, manufactured or packaged under similar conditions;

"lot marking indication" means an indication which allows identification of the lot to which a sales unit of food belongs;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

(**1**) *See* S.I.1991/762 (N.I. 7). Article 2(2) 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
(**2**) S.I. 1991/762 (N.I. 7)
(**3**) O.J. No. L186, 30.6.89, p. 21, as amended by Council Directives 91/238/EEC (O.J. No. L107, 27.4.91, p. 50) and 92/11/EEC (O.J. No. L65, 11.3.92, p. 32)
(**4**) S.R. 1996 No. 383

"prepacked for immediate sale" has the same meaning as "prepacked for direct sale" in the Food Labelling Regulations;

"sell" includes offer or expose for sale and have in possession for sale.

(2) Other expressions which are also used in the Food Labelling Regulations shall have the same meaning as in those Regulations.

Lot marking requirement

3. (1) Subject to the exceptions specified in regulation 4, no person shall sell any food which forms part of a lot unless it is accompanied by a lot marking indication.

(2) For the purposes of this regulation—

(a) a lot shall be determined as a lot to which food in the sales unit belongs by a producer, manufacturer, packager, or the first seller established within the Community, of the food in question; and

(b) a lot marking indication—

(i) shall be determined and affixed under the responsibility of one or other of those operators; and

(ii) shall be preceded by the letter "L", except in cases where that lot marking indication is clearly distinguishable from the other indications on the packaging of the food or on a label attached to its packaging.

(3) A lot marking indication—

(a) for pre-packed food shall appear on, or on a label attached to, the packaging of the food; and

(b) for food which is not prepacked shall appear on the container of the food or on a commercial document which accompanies the food, and

shall in all cases appear in such a way as to be easily visible, clearly legible and indelible.

Exceptions for particular types of sale and sales units

4. Regulation 3 shall not apply to the following—

(a) a sale of an agricultural product which, on leaving the holding of its production—

(i) is sold or delivered to a temporary storage, preparation or packaging station, or to a producer's organisation; or

(ii) is collected for immediate integration into an operational preparation or processing system;

(b) a sale to the ultimate consumer of food where the food is not prepacked, is packed at the request of the purchaser or is prepacked for immediate sale;

(c) a sales unit of food which is in a container the area of the largest side of which is less than 10 square centimetres;

(d) a sales unit of food which is prepacked, sold as an individual portion for immediate consumption and which is intended as a minor accompaniment to either another food or another service;

(e) a sales unit of an individual portion of an edible ice supplied to its seller in bulk packaging containing more than one such portion and bearing the lot marking indication which that portion would, but for this paragraph, have been required to bear;

(f) a sale after these Regulations come into force—

(i) of a sales unit marked or labelled before 22nd July 1992; or

(ii) of a sales unit before 1st January 1997 in a glass bottle intended for re-use which is indelibly marked and therefore bears no label, ring or collar; and

(g) a sales unit of food which is marked or labelled with an indication of minimum durability or "use by" date which consists at least of the uncoded indication of the day and month in that order, whether or not the Food Labelling Regulations require it to be so marked or labelled.

Enforcement

5. (1) If any person contravenes regulation 3 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subject to paragraph (3), each district council shall enforce and execute these Regulations within its district.

(3) The Department of Agriculture shall enforce and execute these Regulations in relation to milk in liquid milk plants.

Application of provisions of the Order

6. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purpose of the Order and any reference in them to the Order shall be construed as a reference to these Regulations:

(a) Articles 2(4) and 3 (extended meaning of "sale" etc);

(b) Article 4 (presumptions that food intended for human consumption);

(c) Article 19 (offences due to fault of another person);

(d) Article 20 (defence of due diligence);

(e) Article 34 (obstruction, etc., of officers).

Revocation

8. The Food (Lot Marking) Regulations (Northern Ireland) 1992(**5**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 15th August 1996.

D. A. Baker
Assistant Secretary

(**5**) S.R. 1992 No. 281

Sealed with the Official Seal of the Department of Agriculture on 15th August 1996.

P. T. Toal
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Food (Lot Marking) Regulations (Northern Ireland) 1992. They come into operation on 1st October 1996. Like the previous Regulations, these Regulations implement Council Directive 89/396/EEC (O.J. No. L186, 30.6.89, p. 21) as amended by Council Directives 91/238/EEC (O.J. No. L107, 27.4.91, p. 50) and 92/11/EEC (O.J. No. L65, 11.3.92, p. 32).

The new Regulations continue the previous requirements that food which has been produced, prepared or packaged as part of a lot is so marked or labelled as to enable the lot to be identified. The Regulations have been made with a view to simplifying the previous Regulations.