

2019 No. 353

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

FOOD, NORTHERN IRELAND

**The Food (Amendment) (Northern Ireland) (EU Exit)
Regulations 2019**

<i>Sift requirements satisfied</i>	<i>12th February 2019</i>
<i>Made - - - -</i>	<i>21st February 2019</i>
<i>Laid before Parliament</i>	<i>26th February 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate parliamentary procedure for these Regulations) have been satisfied.

There has been consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(b).

Citation and commencement

1. These Regulations may be cited as the Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.

The Food (Lot Marking) Regulations (Northern Ireland) 1996

2.—(1) The Food (Lot Marking) Regulations (Northern Ireland) 1996(c) are amended as follows.

(2) In regulation 2 (Interpretation) omit the definition of “first seller established within the European Union”.

(a) 2018 c. 16.

(b) OJ No. L31, 1.2.2002, p.1, last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council (OJ No. L 117, 5.5.2017, p. 1).

(c) S.R. 1996 No. 384, amended by S.R. 2014 No. 223.

(3) In regulation 3(2)(a) (Lot marking requirement) for “the European Union” substitute “the United Kingdom”.

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008

3.—(1) The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008(**a**) are amended as follows.

(2) In regulation 2(1) (Interpretation), omit the definition of “Community provision”.

(3) In regulation 5 (Enforcement), for “Community provisions” substitute “provisions specified in regulation 6(2)”.

(4) In regulation 6 (Offences and penalty)—

(a) for paragraph (1) substitute—

“(1) Any person who contravenes or fails to comply with regulation 4, or any provision specified in paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”;

(b) in paragraph (2), before sub-paragraph (a), for “Community” substitute “specified”.

The Fish Labelling Regulations (Northern Ireland) 2013

4.—(1) The Fish Labelling Regulations (Northern Ireland) 2013(**b**) are amended as follows.

(2) In regulation 2 (Interpretation)—

(a) in paragraph (1), in the definition “the EU Regulations”, for “EU” substitute “specified”;

(b) in paragraph (2), for “EU” substitute “specified” in both places it occurs;

(c) in paragraph (3), for “EU” substitute “specified”.

(3) In regulation 3(Consumer information and traceability requirements)—

(a) in paragraph (3), for “and (5) to (13)” substitute “, (5) to (7) and (9)”;

(b) in paragraph (7), for “the sterling equivalent of 50 euros” substitute “£45”.

(4) In regulation 4(3) (Improvement notice – application of Article 9 of the Order), in the definition of “operator” at 4(3)(b) for “EU” substitute “specified”.

The Food Information Regulations (Northern Ireland) 2014

5. In Schedule 5 (Improvement notices – specified provisions) to the Food Information Regulations (Northern Ireland) 2014(**c**), in Part 2, in the table omit the entries numbered 33 and 34.

The Honey Regulations (Northern Ireland) 2015

6. In the Honey Regulations (Northern Ireland) 2015(**d**), after regulation 18 (Enforcement), insert—

“Methods of analysis

18A. In carrying out its obligations under regulation 18, a district council must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another

(a) S.R. 2008 No. 239, amended by S.R. 2014 No. 92.

(b) S.R. 2013 No.219 amended by S.R. 2014 No. 287.

(c) S.R. 2014 No.223, to which there are amendments not relevant to these Regulations.

(d) S.R. 2015 No. 261.

internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations.”.

The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015

7. In regulation 3(a) (Competent authority) of the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015(a), for “member State or third” substitute “single”.

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015

8.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(b) are amended as follows.

(2) In regulation 2(1) (Interpretation)—

- (a) omit the definitions of “Directive 2003/40” and “EEA State”;
- (b) in the definition of “fluoride removal treatment”,
 - (i) in sub-paragraph (b) omit “or from another EEA State”;
 - (ii) in sub-paragraph (c)—
 - (aa) for “a non-EEA state” substitute “a third country”;
 - (bb) omit “or an EEA State”;
 - (cc) for the word “state” where it occurs twice substitute “country”;
- (c) in the definition of “natural mineral water”, in sub-paragraph (a) omit “within the meaning of Article 5 of Directive 2009/54”;
- (d) in the definition of “ozone-enriched air treatment”,
 - (i) in sub-paragraph (b)—
 - (aa) omit “or from another EEA State”;
 - (bb) for the words from “as complying” to “as implemented” substitute “under the relevant bottled water legislation applying”;
 - (cc) omit “or that EEA State”;
 - (ii) in sub-paragraph (c)—
 - (aa) for “a non-EEA State” substitute “a third country”;
 - (bb) for the word “state” where it occurs twice substitute “country”;
 - (cc) omit “or an EEA State”;
 - (dd) for “Article 5 of Directive 2003/40” substitute “the relevant bottled water legislation applying in that part of the United Kingdom”;
- (e) after the definition of “Regulation 115/2010” insert—
 - ““relevant bottled water legislation” means—
 - (a) in relation to England, the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(c);
 - (b) in relation to Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(d);
 - (c) in relation to Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(e);”;

(a) S.R. 2015 No. 321.

(b) S.R. 2015 No. 365 as amended by S.R. 2017 No. 201.

(c) S.I. 2007/2785, relevant amending instruments are S.I. 2009/1598, 2010/433, 2011/451, 2018/352.

(d) S.S.I. 2007/483, relevant amending instruments are S.S.I. 2009/273, 2010/89, 2011/1043.

(e) S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).

- (f) after the definition of “sell” insert—
 - ““third country” means any country, other than the United Kingdom, and includes—
 - (a) the Bailiwick of Jersey;
 - (b) the Bailiwick of Guernsey;
 - (c) the Isle of Man;”;
- (g) in paragraph (3), omit “Directive 2003/40”.
- (3) In regulation 3(1) (Exemptions)—
 - (a) in sub-paragraph (a) for “Directive” to the end substitute “regulation 2(1) of the Human Medicines Regulations 2012^(a)”;
 - (b) in sub-paragraph (d) for “country other than an EEA State” substitute “third country”.
- (4) In regulation 4 (Recognition as natural mineral water)—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (b), for “pursuant to Directive 2009/54” substitute “under the relevant bottled water legislation applying in that part of the United Kingdom”;
 - (ii) omit sub-paragraph (c);
 - (iii) in sub-paragraph (d)—
 - (aa) in the words before paragraph (i), for “country other than an EEA State” substitute “third country”;
 - (bb) for paragraph (ii) substitute—
 - “(ii) it has an equivalent recognition given by a responsible authority of another part of the United Kingdom.”;
 - (b) omit paragraph (3).
- (5) In regulation 24(1)(a) (Monitoring of water bottled and labelled as “spring water” and bottled drinking water) omit “satisfies the requirements of Directive 98/83 and in particular”.
- (6) Omit regulation 33(3) (Application of the Order: Improvement Notices).
- (7) In regulation 35(1)(b) (Savings and transitional provisions) for “country other than an EEA State” substitute “third country”.
- (8) In Schedule 1 (Recognition of natural mineral water)—
 - (a) in paragraph 1 of Part 1 (Natural mineral water extracted from the ground in Northern Ireland), in the words before sub-paragraph (a), omit “for the purposes of Article 1 of Directive 2009/54”;
 - (b) in Part 2 (Natural mineral water extracted from the ground in a country other than an EEA State)—
 - (i) in the heading for “country other than an EEA State” substitute “third country”;
 - (ii) in paragraph 1—
 - (aa) for “country other than an EEA State” substitute “third country”;
 - (bb) omit “for the purposes of Article 1 of Directive 2009/54”.
- (9) In Schedule 10 (Sampling and analysis for parameters other than radioactive substances in water bottled and labelled as “spring water” and bottled drinking water), in paragraph 1(1), omit “Annex III to Directive 98/83 and”.
- (10) In Schedule 11 (Sampling and analysis for indicative dose in water bottled and labelled as “spring water” and bottled drinking water), in paragraph 1, omit “Annex III to Directive 2013/51 and”.

Signed by the authority of the Secretary of State for Environment, Food and Rural Affairs

(a) S.I. 2012/1916.

21st February 2019

David Rutley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of food standards, composition and labelling.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.