1994 No. 425

FOOD

The Preserved Tuna and Bonito (Marketing Standards) Regulations (Northern Ireland) 1994

Made . . . . . *28th October 1994*

Coming into operation . . *1st December 1994*

The Department of Health and Social Services in exercise of the powers conferred on it by Article 16(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Preserved Tuna and Bonito (Marketing Standards) Regulations (Northern Ireland) 1994 and shall come into operation on 1st December 1994.

(2) In these Regulations—

"the Council Regulation" means Council Regulation (EEC) No. 1536/92 laying down common marketing standards for preserved tuna and bonito(**b**);

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

"specified Community provision" means a provision of the Council Regulation specified in column 1 of the Schedule, the subject matter of which is described in column 2.

(3) Other expressions used in these Regulations have the same meaning as in the Council Regulation.

Enforcement

2. Each district council is hereby designated an enforcement authority for the purposes of the Council Regulation and shall secure the enforcement and execution of the specified Community provisions within its district.

Offences and penalties

3.—(1) Subject to paragraph (2), any person who contravenes a specified Community provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

(a) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

(b) O.J. No. L163, 17.6.92, p. 1

(2) Paragraph (1) shall not apply in any case to which Article 5(3), 9(2) or (3) (which contain derogations and transitional provisions) of the Council Regulation applies.

Application of various Articles of the Order

4. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 or 14 of the Order and any reference in them to the Order shall be construed as a reference to these Regulations—

(*a*) Article 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 30(8) (which relates to documentary evidence);

(*f*) Article 34 (obstruction etc of officers).

Amendment of the Food Labelling Regulations (Northern Ireland) 1984

5. In the Food Labelling Regulations (Northern Ireland) 1984(**a**), in Schedule 1 (names prescribed by law)—

(*a*) in paragraph 1(1), for "sub-paragraph (2)" there shall be substituted "sub-paragraphs (2) and (4)";

(*b*) after paragraph 1(3) there shall be inserted—

"(4) Sub-paragraph (1), as read with the following Table, shall not apply to fish regulated by Council Regulation (EEC) No. 1536/92.".

Sealed with the Official Seal of the Department of Health and Social Services on 28th October 1994.

(L.S.) *D. A. Baker*
Assistant Secretary

(a) S.R. 1984 No. 407, the relevant amending Regulations are S.R. 1992 No. 463

Specified Community Provisions

	Column 1 *Provision of Council Regulations*	Column 2 *Subject Matter*
1.	Article 2(1) (1) and point I of the Annex to the Council Regulation.	Requirements relating to the marketing of products, under the trade description defined in Article 5, as preserved tuna.
2.	Article 2(1) (2) and point II of the Annex to the Council Regulation.	Requirements relating to the marketing of products, under the trade description defined in Article 5, as preserved bonito.
3.	Article 2(2)	Prohibition on the mixing of different species in the same container.
4.	Article 3(1) and (2)	Requirements as to presentation in relation to prescribed descriptions of commercial presentation forming part of the trade description referred to in Article 5.
5.	Article 4	Requirements as to covering media (olive oil etc) where such media form an integral part of the trade description.
6.	Article 5(1)	Requirements as to the trade description on the pre-packaging of preserved tuna and bonito.
7.	Article 5(2)	Prohibition on the association of the words "tuna" and "bonito" in the trade description of each of those products.
8.	Article 5(4)	Conditions as to use of the word "natural" in the trade description.
9.	Article 6	Requirements as to the ratio between the weight of fish after sterilisation and the net weight expressed in grams.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the administration, execution and enforcement of directly applicable Community provisions relating to the marketing of preserved tuna and bonito in the Community set out in Council Regulation (EEC) No. 1536/92 (O.J. No. L163, 17.6.92, p. 1).

The Regulations—

(*a*) designate authorities for the purposes of enforcement (regulation 2);

(*b*) prescribe offences and penalties (regulation 3);

(*c*) apply various provisions of the Food Safety (Northern Ireland) Order 1991 in relation to the Community provisions (regulation 4);

(*d*) amend the Food Labelling Regulations (Northern Ireland) 1984.

Under transitional provisions contained in paragraphs 2 and 3 of Article 9 of the Council Regulation the marketing of products which were labelled before 1st January 1993 and of products for which the terms ''tuna'' and ''bonito'' are associated in the trade description are permitted for the respective periods referred to in those paragraphs (regulation 3(2)).