

2003 No. 257

FOOD

**Sweeteners in Food (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *28th April 2003*

Coming into operation *2nd June 2003*

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred on it by Articles 15(1)(a) and (e), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency, and after 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^(c), and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 2nd June 2003.

Amendments to the Sweeteners in Food Regulations (Northern Ireland) 1996

2.—(1) The Sweeteners in Food Regulations (Northern Ireland) 1996^(d) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation), for the definition of “permitted sweetener” there shall be substituted the following definition –

“ “permitted sweetener” means the sweetener salt of aspartame–acesulfame so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation’s Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition Paper 52 Addendum 8 and any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out –

(a) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation’s Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2; and

(b) in the case of any sweetener other than sucralose or salt of aspartame–acesulfame, in the Annex to Directive 95/31/EC^(e).”

(a) Formerly the Department of Health and Social Services: *see* S.I. 1999/283 (N.I. 1) Article 3(6)
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) O.J. No. L31, 1.2.2002, p. 1
(d) S.R. 1996 No. 48; the relevant amending Regulations are S.R.1997 No.257 and S.R.1999 No. 216
(e) O.J. No. L178, 28.7.95, p. 1, as amended by Directive 1998/66/EC (O.J. No. L257, 19.9.98, p. 35), Directive 2000/51/EC (O.J. No. L198, 4.8.2000, p. 41) and Directive 2001/52/EC (O.J. No. L190, 12.7.2001, p. 18)

(3) The following sub-paragraph is substituted for sub-paragraph (c) of regulation 2(2) –
“(c) in column 4, the maximum usable dose indicated in relation to a food is –

- (i) in the case of all permitted sweeteners except cyclamic acid and its Na and Ca salts, saccharin and its Na, K and Ca salts and salt of aspartame-acesulfame, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use, and
- (ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be, saccharin and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use, measured in milligrams per kilogram or, as the case may be, per litre of the food.”.

(4) In paragraph (3) of regulation 3 (sale and use of sweeteners), for “paragraph (4)” there shall be substituted “paragraphs (4) and (5)”.

(5) The following paragraph is inserted immediately after paragraph (4) of regulation 3 –

“(5) The prohibition on using aspartame and acesulfame K in or on any food which is imposed by virtue of paragraph (3) shall apply equally in relation to the use of salt of aspartame-acesulfame in or on that food.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 28th April 2003.

(L.S.)

Leslie Frew

A Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Sweeteners in Food Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) by –

- (a) granting authorisation for the marketing and use as a sweetener of salt of aspartame–acesulfame, as permitted by Article 5 of Directive 89/107/EEC on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (O.J. No. L40, 11.2.89, p. 27). Article 5 permits member States to authorise sweeteners for the marketing and use within their own territories, pending consideration for inclusion in Directive 94/35/EC on sweeteners for use in foodstuffs (O.J. No. L237, 10.9.94, p.3, as amended) (regulation 2(2) and (5));
- (b) clarifying the meaning of “maximum usable dose” as used in relation to cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts (regulation 2(3)); and
- (c) making a consequential change to regulation 3(3) of the 1996 Regulations (regulation 2(4)).

Copies of the Food and Agriculture Organisation documents referred to in the new definition of “permitted sweetener” which is substituted by regulation 2(2) may be obtained from the Stationery Office (TSO), PO Box 29, St Crispins House, Norwich NR3 1GN. Alternatively copies may be obtained online from www.tso.co.uk.

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