
STATUTORY INSTRUMENTS

1995 No. 3116

FOOD

The Spreadable Fats (Marketing Standards) Regulations 1995

Made - - - - 30th November 1995
Laid before Parliament 4th December 1995
Coming into force - - 1st January 1996

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Spreadable Fats (Marketing Standards) Regulations 1995 and shall come into force on 1st January 1996.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“Community provision” means a provision of the Council Regulation which is referred to in column 1 of Schedule 1 to these Regulations, as read with any qualifying words relating to that provision in that column;

“the Council Regulation” means Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats⁽²⁾;

“EEA Agreement” means the Agreement on the European Economic Area⁽³⁾ signed at Oporto on 2nd May 1992 as adjusted by the Protocol⁽⁴⁾ signed at Brussels on 17th March 1993;

(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6.
(2) OJ No. L316, 9.12.94, p.2.
(3) OJ No. L1, 3.1.94, p.1.
(4) OJ No. L1, 3.1.94, p.571.

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“food authority” does not include—

- (a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change;
- (b) until 1st April 1996, the council of a district in Wales, or
- (c) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

“member State” means a member State of the European Community;

“sell” includes possess for sale, and offer, expose or advertise for sale, and “sale” and “sold” shall be construed accordingly;

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale and “sold by retail” shall be construed accordingly;

“vitamin A” means vitamin A present as such or as its esters and includes beta-carotene on the basis that 6 micrograms of beta-carotene or 12 micrograms of other biologically active carotenoids equal 1 microgram of retinol equivalent;

“vitamin D” means the anti-rachitic vitamins.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the Council Regulation.

Exemptions

3.—(1) Subject to paragraph (2) below, in the absence of a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend it to refer to the Council Regulation, these Regulations shall not apply in respect of any spreadable fat to which the EEA Agreement applies and which—

- (a) is brought into Great Britain from an EEA State (other than a member State) in which it was lawfully produced and sold; and
- (b) is suitably labelled to give the nature of the spreadable fat.

(2) Regulation 4 shall not apply in respect of any margarine which—

- (a) is brought into Great Britain from an EEA State in which it was lawfully produced and sold or from a member State in which it was in free circulation and lawfully sold; and
- (b) is suitably labelled to give the nature of the margarine.

(3) For the purposes of paragraph (2) above, “free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

Vitamin content of margarine

4.—(1) Any margarine sold by retail shall contain in every 100 grams of such margarine—

- (a) not less than 800 micrograms and not more than 1000 micrograms of vitamin A, and
- (b) not less than 7.05 micrograms and not more than 8.82 micrograms of vitamin D,

and a proportionate amount in any part of 100 grams.

(2) No person shall sell by retail any margarine in contravention of this regulation.

Enforcement

5. Each food authority shall enforce and execute within its area the Community provisions and these Regulations.

Offences and penalty

6.—(1) If any person contravenes or fails to comply with—

- (a) regulation 4 of these Regulations, or
- (b) any Community provision,

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) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Defence in relation to exports

7. In any proceedings under these Regulations it shall be a defence for the person charged to prove—

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that it complies with that legislation; and
- (b) that the legislation complies with the Council Regulations in the case of—
 - (i) export to a member State, or
 - (ii) where there is a decision by the EEA Joint Committee under Article 98 of the EEA Agreement to amend it to refer to the Council Regulation, export to an EEA State which is not a member State.

Application of various provisions of the Act

8. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- section 2 (extended meaning of “sale” etc.);
- section 3 (presumption that food is intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 22 (defence of publication in the course of business);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate);
- section 44 (protection of officers acting in good faith).

Revocations

9. The Regulations specified in Schedule 2 to these Regulations are hereby revoked to the extent specified in column 3 of that Schedule.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

30th November 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

27th November 1995

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

Signed by authority of the Secretary of State for Wales

27th November 1995

Rod Richards
Parliamentary Under Secretary of State, Welsh
Office

27th November 1995

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulations 2(1), 5 and 6

COMMUNITY PROVISIONS

Community Provision	Subject Matter
Article 2 (as read with Article 1)	Restrictions on marketing of spreadable fats
Article 3	Requirements relating to the labelling and presentation of spreadable fats
Article 4	Restriction on use of the term “traditional” with the name “butter”
Article 5	Restriction on use of terms relating to fat content
Article 7	Requirements relating to fats imported from third countries

SCHEDULE 2

Regulation 9

REVOCATIONS

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of Revocation
The Butter Regulations 1966	S.I. 1966/1074	The whole Regulations
The Butter (Scotland) Regulations 1966	S.I. 1966/1252	The whole Regulations
The Margarine Regulations 1967	S.I. 1967/1867	The whole Regulations
The Margarine (Scotland) Regulations 1970	S.I. 1970/1286	The whole Regulations
The Food (Revision of Penalties) Regulations 1982	S.I. 1982/1727	The references to the Butter Regulations 1966 and the Margarine Regulations 1967 in Schedule 1
The Food (Revision of Penalties) Regulations 1985	S.I. 1985/67	The references to the Butter Regulations 1966 and the Margarine Regulations 1967 in Part I of the Schedule
The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985	S.I. 1985/1068	The references to the Butter (Scotland) Regulations 1966 and the Margarine (Scotland) Regulations 1970 in Schedule 1
The Food Safety (Exports) Regulations 1991	S.I. 1991/1476	The references to the Butter Regulations 1966 and the Margarine Regulations 1967

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Column 1 Regulations revoked	Column 2 References	Column 3 Extent of Revocation
The Food (Forces Exemptions) (Revocations) Regulations 1992	S.I. 1992/2596	in Part I of Schedule 1 and the Butter (Scotland) Regulations 1966 and the Margarine (Scotland) Regulations 1970 in Schedule 2
The Food Safety (Amendment) (Metrication) Regulations 1992	S.I. 1992/2597	The references to the Butter Regulations 1966 and the Margarine Regulations 1967 in part I of the Schedule and the Butter (Scotland) Regulations 1966 and the Margarine (Scotland) Regulations 1970 in Part II of the Schedule Regulation 8

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, make provision for the enforcement and execution of Council Regulation (EC) No. [2991/94](#) (OJ No. L316, 9.12.94, p.2) laying down standards for spreadable fats. In pursuance of Article 6 of that Regulation, the Regulations also re-enact requirements as to the vitamin content of margarine which were previously contained in the Margarine Regulations 1967 (S.I. [1967/1867](#)), as amended, and the Margarine (Scotland) Regulations 1970 (S.I. [1970/1286](#)), as amended, (regulation 4), subject to an exemption (regulation 3(2)).

These Regulations—

- (a) specify the authorities which are to enforce and execute these Regulations and the provisions of the Council Regulation referred to in column 1 (and briefly described in column 2) of Schedule 1 (regulation 5);
- (b) create offences and prescribe a penalty (regulation 6) and contain a limited exemption in respect of any spreadable fat to which the EEA Agreement applies and which is brought into Great Britain from an EEA State other than a member State (regulation 3(1));
- (c) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive [89/397/EEC](#) (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 7);
- (d) incorporate specified provisions of the Food Safety Act 1990 (regulation 8);
- (e) revoke the Regulations specified in Schedule 2 to the extent specified in that Schedule (regulation 9).

Article 11(2) of the Council Regulation provides that, notwithstanding Article 2(1), products on the market of a member State on 31st December 1995 which do not meet the requirements specified may be supplied or transferred until 31st December 1997.

A compliance cost assessment of the effect that this instrument would have on the cost of business is available from:

Food Labelling and Standards Division Branch B

Ministry of Agriculture, Fisheries and Food

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17 Smith Square

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