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STATUTORY INSTRUMENTS

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**2006 No. 1179**

**The Ceramic Articles in Contact with  
Food (England) Regulations 2006**

**Citation, Commencement, Extent and Revocation**

1.—(1) These Regulations may be cited as the Ceramic Articles in Contact with Food (England) Regulations 2006 and shall come into force on 20th May 2006 except for regulations 3(3)(a) and (b) and 4 which shall come into force on 20th May 2007.

(2) The Ceramic Ware (Safety) Regulations 1988 (which extend to the United Kingdom) are revoked except in their application to Scotland.

(3) These Regulations, except for paragraphs (1) and (2), extend only to England.

(4) In the Official Feed and Food Controls (England) Regulations 2006(1) sub-paragraph (b) of Schedule 3 (Definition of relevant food law) is amended by the omission of the words “except in so far as it involves the regulation of food contact materials under the Ceramic Ware (Safety) Regulations 1988”.

**Interpretation**

2. In these Regulations—

“ceramic article” means an article—

(a) manufactured from a mixture of inorganic materials with a generally high argillaceous or silicate content to which small quantities of organic materials may have been added. Such an article is first shaped and the shape thus obtained is permanently fixed by firing. It may be glazed, enamelled and/or decorated;

(b) which, in its finished state, is intended to come into contact with foodstuffs, or which is in contact with foodstuffs, and is intended for that purpose;

but does not include an article which is supplied as an antique;

“the Community” means the member States and Norway, Iceland and Liechtenstein;

“enforcement authority” means an authority mentioned in regulation 5;

“import” means the release into the UK for free circulation in the Community;

“place on the market” means the holding of ceramic articles for sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer themselves.

**Limits on the transfer of lead and cadmium**

3.—(1) The quantities of lead and cadmium transferred from a ceramic article shall not exceed the limits laid down in Schedule 1.

(2) Compliance with paragraph (1) shall be determined by testing and analysis in accordance with Schedule 2 unless it is demonstrated that the materials used to make the ceramic article did not contain lead or cadmium.

(3) No person may—

- (a) manufacture,
- (b) import, or
- (c) place on the market,

a ceramic article which does not comply with the requirements of paragraph (1).

### **Declaration of Compliance**

4.—(1) A manufacturer or seller of a ceramic article which is not yet in contact with food shall provide a written declaration in accordance with Schedule 3 to accompany the article at the marketing stages up to and including the retail stage.

(2) The declaration shall be issued by the manufacturer or by a seller established within the Community.

(3) A manufacturer or importer of a ceramic article into the Community shall on request make available to an enforcement authority appropriate documentation to demonstrate compliance with the requirements of regulation 3(1) including—

- (a) the results of analysis carried out,
- (b) the test conditions, and
- (c) the name and the address of the laboratory that performed the testing, or
- (d) evidence that the materials used to make the ceramic article did not contain lead or cadmium.

(4) This regulation does not apply to a ceramic article which is second-hand.

### **Enforcement**

5. The following authorities shall execute and enforce these Regulations—

- (a) each food authority in its area;
- (b) each port health authority in its district.

### **Offences and penalties**

6.—(1) A person who contravenes a provision of regulation 3(3) or 4(1) or (3) is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both; or
- (b) on summary conviction to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months or to both.

(3) In proceedings for an offence in respect of failure to comply with regulation 4 it shall be a defence to prove that the ceramic article to which the offence relates was first placed on the market in the Community before 20th May 2007.

### **Application of the Food Safety Act 1990**

7. The following provisions of the Food Safety Act 1990 apply for the purposes of these Regulations, with reference in those provisions to the Act or a Part of it being construed as a reference to these Regulations—

- (a) section 20 (offences due to fault of another person);
- (b) section 21(1), (5) and (6) (defence of due diligence);
- (c) section 33 (obstruction etc of officers);
- (d) section 34 (time limit for prosecutions) applies to offences under regulation 6 as it applies to offences punishable under section 35(2);
- (e) section 35(1)(2), (2) and (3)(b) (punishment of offences) in so far as it relates to offences under section 33 as applied by this regulation;
- (f) section 36 (offences by bodies corporate);
- (g) section 36A(3) (offences by Scottish partnerships);
- (h) section 44 (protection of officers acting in good faith).

24th April 2006

*Gerry Sutcliffe*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department of Trade and Industry

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(2) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.  
(3) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1990.