Draft Regulations laid before the Assembly under paragraph 8F(9) of Part 1A of Schedule 7 of the European Union (Withdrawal) Act 2018 (c. 16), for approval by resolution of the Assembly.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

No.

FOOD

The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027

Made - - - - ***

Coming into operation

The Department of Health(**a**) makes these Regulations in exercise of the powers conferred by Articles 15(2), 25(1)(a), 2(a) and (3), 26(3), 32 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**b**) and Sections 11 and 22 and paragraph 11(M)(1) of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(**c**).

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No 178/2002(**d**) 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, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027 and come into operation on XX XX 2027.

(**a**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (NI) section 1(5)
(**b**) S.I. 1991/762 (N.I. 7)
(**c**) 2018 c. 16
(**d**) OJ L31, 1.2.2002, p.1

DRAFT

Interpretation

2.—(1) In these Regulations—

"authorised officer" means any person whether or not an officer of the district council having responsibility for execution and enforcement under regulation 32 who is authorised by that district council in writing to act in matters arising under these Regulations;

"Directive 84/500/EEC" means Council Directive 84/500/EEC(**a**) on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs;

"Directive 2007/42/EC" means Commission Directive 2007/42/EC(**b**) relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs;

"the Order" means the Food Safety (Northern Ireland) Order 1991(**c**)

"preparation" includes manufacture and any form of treatment or process;

"Regulation 1935/2004" means Regulation (EC) No. 1935/2004(**d**) of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC;

"Regulation 1895/2005" means Commission Regulation (EC) No. 1895/2005(**e**) on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food;

"Regulation 2023/2006" means Commission Regulation (EC) No. 2023/2006(**f**) on good manufacturing practice for materials and articles intended to come into contact with food;

"Regulation 450/2009" means Commission Regulation (EC) No. 450/2009(**g**) on active and intelligent materials and articles intended to come into contact with food;

"Regulation 10/2011" means, Commission Regulation (EC) No. 10/2011(**h**) on plastic materials and articles intended to come into contact with food;

"Regulation 2017/625" means Regulation (EU) 2017/625(**i**) of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law and other specified rules;

"Regulation 2022/1616" means Commission Regulation (EU) 2022/1616(**j**) on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008;

"Regulation 2024/3190" means Commission Regulation (EU) 2024/3190(**k**) on the use of bisphenol A and other bisphenols and bisphenol derivatives with harmonised classification for specific hazardous properties in certain materials and articles intended to come into contact with food; amending Regulation (EU) No 10/2011 and repealing Regulation (EU) 2018/213;

(**a**) OJ No. L277, 20.10.1984, p.12, amended by Commission Directive 2005/31/EC (OJ No. L110, 30.4.2005, p.36)
(**b**) OJ No. L172, 30.6.2007, p.71. This Directive repealed and consolidated without further amendment Commission Directive 93/10/EEC as last amended by Commission 2004/14/EC
(**c**) S.I. 1991/762 (N.I. 7)
(**d**) OJ No. L338, 13.11.2004, p.4, as last amended Regulation (EU) 2019/1381 (OJ L 231, 6.9.2019, pp. 1–28)
(**e**) OJ No. L302, 19.11.2005, p.28
(**f**) OJ No. L384, 29.12.2006, p.75 as amended by Commission Regulation (EU) 2025/351 (OJ L, 2025/351, 24.2.2025)
(**g**) OJ No. L135, 30.5.2009, p.3
(**h**) OJ No. L 12 15.1.2011 p.1 as last amended by Commission Regulation (EU) 2026/245 (OJ L, 2026/245, 3.2.2026)
(**i**) OJ L 95, 7.4.2017, pp. 1–142
(**j**) OJ L 243, 20.9.2022, pp. 3–46
(**k**) OJ L, 2024/3190, 31.12.2024, as amended by Commission Regulation (EU) 2026/250 (OJ L, 2026/250, 3.2.2026)

DRAFT

"Regulation 2025/40" means Regulation (EU) 2025/40(**a**) on packaging and packaging waste; and

"Withdrawal Agreement" has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020(**b**)

(2) Expressions used in these Regulations and in Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006; Regulation 450/2009, Regulation 10/2011, Regulation 2017/625, Regulation 2022/1616, Regulation 2024/3190 or Regulation 2025/40 bear the same meaning in these Regulations as they have in those Regulations.

(3) Any reference in these Regulations to a European Union instrument, or to an Annex to an EU instrument, is a reference to that instrument or Annex as it applies in Northern Ireland under the Withdrawal Agreement and as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Assembly.

Scope

3. The provisions of these Regulations do not apply in relation to the materials and articles specified in Article 1(3) of Regulation 1935/2004.

PART 2

General requirements for materials and articles

Offences of contravening specified provisions of Regulation 1935/2004

4.—(1) A person must not place on the market or use, in the course of a business in connection with the storage, preparation, packaging, sale or service of food any material or article that does not comply with the requirements of Article 3(1) or Article 4(1), (2), (3), or (4).

(2) A person must not place on the market any material or article that does not comply with the requirements of Article 3(2), 4(5) or (6) or 15(1), (3), (4), (7) or (8) as read with Article 15(2).

(3) A person who contravenes paragraph (1) or (2) or Article 11(4) or (5) or 17(2) is guilty of an offence.

(4) In this regulation a reference to a numbered Article is a reference to that Article in Regulation 1935/2004.

Offence of contravening Regulation 2023/2006

5. A person who fails to comply with Article 4 of Regulation 2023/2006 is guilty of an offence.

Competent authorities for the purposes of Regulation 1935/2004 and Regulation 2023/2006

6.—(1) The competent authorities for the purposes of Articles 16(1) and 17(2) of Regulation 1935/2004 are the Food Standards Agency and each district council in its district.

(2) The competent authority for the purpose of Articles 6(2) and 7(3) of Regulation 2023/2006 is each district council in its district.

(**a**) OJ L, 2025/40, 22.1.2025
(**b**) 2020 c. 1
(**c**) 1954 c. 33 (NI)

DRAFT

PART 3

Requirements for active and intelligent Food Contact Materials

Offences of contravening Regulation 450/2009

7. Subject to the transitional provisions contained in Article 14 of Regulation 450/2009, any person who places on the market any active or intelligent material or article which does not comply with the requirements of Article 4 of that Regulation is guilty of an offence.

Competent authorities for the purposes of Regulation 450/2009

8. The competent authorities for the purposes of Article 13 of Regulation 450/2009 are the Food Standards Agency and each district council in its district.

PART 4

Requirements for ceramic articles

Interpretation of this part

9.—(1) In this Part—

"ceramic article" means an article to which Regulation 1935/2004 applies by virtue of Article 1(2), as read with Article 1(3), of that Regulation and that—

(a) is 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;

(b) is first shaped, with the shape this obtained having been permanently fixed by firing; and

(c) may be glazed, enamelled and/or decorated.

(2) In this Part, any reference to a numbered Article or Annex is a reference to that Article of, or Annex to, Directive 84/500/EC.

Limits for lead and cadmium and declaration of compliance

10.—(1) The quantities of lead and cadmium transferred from a ceramic article must not exceed the limits laid down in Article 2(4), as read with Article 2 (3) and (5).

(2) Unless it is demonstrated that the materials used to make the ceramic article did not contain lead or cadmium, compliance with paragraph (1) is to be determined by testing and analysis in accordance with Annexes I and II.

(3) A person must not place on the market a ceramic article that does not comply with the requirements of paragraph (1) as read with paragraph (2).

(4) A person who places on the market a ceramic article that is not yet in contact with food must provide a written declaration complying with paragraph (5) to accompany the article at the marketing stages up to and including the retail stage.

(5) The declaration must be issued by the manufacturer or by a person established within the European Union or Northern Ireland who placed the ceramic article on the market and must contain the information laid down in Annex III.

DRAFT

(6) A person who manufactures or, in the course of business, imports into the European Union or Northern Ireland a ceramic article must, on request, make available to an authorised officer appropriate documentation to demonstrate compliance with the requirements of paragraph (1) including—

(a) the results of analysis carried out;

(b) the test conditions; and

(c) the name and address of the laboratory that performed the testing.

(7) Paragraphs (4), (5) and (6) do not apply in relation to a ceramic article which is second-hand.

(8) The documentation specified in paragraphs (6)(a), (b) and (c) is not required where documentary evidence is provided to show that the materials used to make the ceramic article did not contain lead or cadmium.

PART 5

Requirements for regenerated cellulose film

Interpretation of this Part

11.—(1) In this Part—

"regenerated cellulose film" means a thin sheet material obtained from refined cellulose derived from unrecycled wood or cotton, with or without the addition of suitable substances, either in the mass or on one or both surfaces, but does not include synthetic casings of regenerated cellulose;

"CRCF" means coated regenerated cellulose film with coating derived from cellulose;

"PRCF" means coated regenerated cellulose film with coating consisting of plastics; and

"URCF" means uncoated regenerated cellulose film;

(2) This Part applies to regenerated cellulose film which—

(a) constitutes a finished product in itself; or

(b) is part of a finished product containing other materials,

and is intended to come into contact with food or, by being used for that purpose, does come into contact with food.

(3) Except in regulation 12(3), any reference in this Part to a numbered Annex is a reference to that Annex to Directive 2007/42/EC.

Controls and Limits

12.—(1) URCF and CRCF may be manufactured using only the substances or groups of substances listed in Annex II and subject to the restrictions set out in that Annex, but by way of derogation, substances other than those listed in Annex II may be used where those substances are employed either as—

(a) dyes and pigments; or

(b) adhesives,

provided that there is no trace of migration of the substances, detectable by a validated method, into or on foodstuffs.

(2) PRCF may be manufactured, prior to coating, using only substances or groups of substances listed in the first part of Annex II and subject to the restrictions set out in that part.

DRAFT

(3) The coating to be applied to PRCF may be manufactured using only substances or groups of substances listed in Annex I to Regulation 10/2011 and subject to the restrictions in that Annex.

(4) Materials and articles made of PRCF must comply with Article 12 as read with Articles 17 and Article 18 of Regulation 10/2011.

(5) Printed surfaces of regenerated cellulose film must not come into contact with foodstuffs.

(6) Any material or article made of regenerated cellulose film that is not by its nature clearly intended to come into contact with food must, at a marketing stage other than the retail stage, be accompanied by a written declaration attesting that it complies with the legislation applicable to it.

(7) Where special conditions of use are indicated, the material or article made of regenerated cellulose film must be labelled accordingly.

(8) A person must not place on the market any regenerated cellulose film which has been manufactured in contravention of the requirements of paragraphs (1) to (4), or which fails to comply with paragraphs (5) or (7).

PART 6

Requirements for plastic materials and articles

Interpretation of this Part and Schedule 1

13. Except in regulation 14(1), any reference in this Part and in Schedule 1 to a numbered Article or Annex is a reference to that Article of, or Annex to, Regulation 10/2011.

Offences of contravening specified provisions of Regulation 10/2011

14.—(1) Subject to any transitional provisions contained in Regulation 10/2011 or in any EU instrument amending or supplementing Regulation 10/2011 ("a transitional provision"), any person who places on the market plastic materials and articles that fail to comply with a requirement of Regulation 10/2011 specified in column 1 of Schedule 1 is guilty of an offence.

(2) Paragraph (1) is without prejudice to the application of regulation 35 to Article 8(2), Article 15 and Article 16 of Regulation 10/2011.

Transitional Provision: Regulation 10/2011 amendment Regulations

15.—(1) This regulation applies where plastic materials and articles benefit from a transitional provision specified in regulation 14(1).

(2) For the purpose of these Regulations, plastic materials are not to be treated as failing to comply with Regulation 10/2011, if they comply with Regulation 10/2011, as it applied before the entry into force of a transitional provision.

(3) Paragraph (2) applies only to the extent that the plastic materials and articles satisfy the conditions of a transitional provision.

(4) Nothing in this regulation prevents an authorised officer from taking enforcement action in relation to—

(a) a failure to satisfy the conditions of a transitional provision ;

(b) a failure to comply with Regulation 1935/2004;

(c) a failure to comply with Regulation 2023/2006;

(d) any failure to comply with Regulation 10/2011 which is not saved by a transitional provision; or

DRAFT

(e) a failure to comply with Regulation 2022/1616.

Competent authorities for the purposes of Regulation 10/2011

16. The competent authorities for the purposes of Article 16 of Regulation 10/2011 are the Food Standards Agency and each district council in its district.

PART 7

Requirements for certain epoxy derivatives

Interpretation of this Part

17. In this Part any reference to a numbered Article or Annex is a reference to that Article or Annex in Regulation 1895/2005.

Restrictions on the use of certain epoxy derivatives (BADGE, BFDGE and NOGE)

18.—(1) Subject to Article 1(3), a person must not place on the market or use, in the course of a business in connect with the storage, preparation, packaging, sale or service of food—

(a) any material or article in contravention of Article 3 or Article 4; or

(b) any material or article that fails to comply with the restrictions contained in Article 2 (BADGE) as read with Annex I (specific migration limit for BADGE and certain of its derivatives).

(2) Any person who contravenes paragraph (1) is guilty of an offence.

Competent authorities for the purposes of Regulation 1895/2005

19.—(1) The competent authorities for the purposes of Article 5 are the Food Standards Agency and each district council in its district.

(2) The competent authority for the purposes of Article 6(4) is each district council in its district.

PART 8

Requirements on the use of bisphenol A (BPA), other bisphenols and bisphenol derivatives

Interpretation of this Part

20. In this Part, any reference to a numbered Article or Annex is a reference to the Article of or Annex to Regulation 2024/3190.

Offences of contravening specified provisions of Regulation 2024/3190

21. Subject to the transitional provisions and dates set out in Articles 11 and 12, a person is guilty of an offence if they act contrary to—

(a) Article 3;

(b) Article 4;

(c) Article 5, or

(d) Article 8.

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Competent authorities for the purposes of Regulation 2024/3190

22. The competent authorities for the purposes of Article 8(3) are the Food Standards Agency and each district council in its district.

PART 9

Requirements for substances in packaging

Interpretation of this Part

23. In this Part any reference to a numbered Article is a reference to that Article of Regulation 2025/40.

Offences of contravening specified provisions of Regulation 2025/40

24. A person is guilty of an offence if they act contrary to Article 5(4) or Article 5(5).

Competent authorities for the purposes of Regulation 2025/40

25. The competent authority for the purposes of Article 5(4) and Article 5(5) is each district council in its district.

PART 10

Requirements for recycled plastic materials and articles

Interpretation of this Part and Schedule 2

26. In this Part and in Schedule 2 any reference to a numbered Article or Annex is a reference to that Article of, or Annex to, Regulation 2022/1616.

Offences of contravening specified provisions of Regulation 2022/1616

27.—(1) Subject to any transitional provisions contained in Articles 31 and 32, a person who places on the market recycled plastic, or recycled plastic materials and articles that fail to comply with a requirement of Regulation 2022/1616 specified in column 1 of Schedule 2 is guilty of an offence.

(2) Paragraph (1) does not apply to a requirement imposed exclusively on the Commission, the European Food Safety Authority, a Member State of the European Union or a competent authority of a Member State of the European Union, except in so far as the requirement is applied to a competent authority in Northern Ireland by regulation 28.

Competent authorities and official controls for the purposes of Regulation 2022/1616

28.—(1) The Food Standards Agency is the competent authority for the purposes of Articles 9(1), 10(2), 10(7), 10(8), 11(6), 21(4), 21(5), 25(1), 25(4), 26(2), 26(3), 26(4) and 28.

(2) The competent authority for the purposes of Articles 10(7), 11(6), 26(3), 27 and 28 is each district council in its district.

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Action in relation to non-compliant recycled plastic

29.—(1) Where a district council in its district establishes non-compliance under Article 28, it may take any action available to it under Regulation 2017/625, the Order, these Regulations or any other applicable enactment.

(2) Without limiting paragraph (1), a district council in its district may suspend the use of a decontamination installation or require corrective action where the conditions in Article 28(3) or (4) of Regulation 2022/1616 are met.

(3) This regulation is without prejudice to the power to serve an improvement notice under regulation 38 and Schedule 3.

PART 11

Requirements for Vinyl Chloride

Requirements on materials and articles manufactured with Vinyl Chloride

30.—(1) Materials and articles, other than those controlled by Regulation 10/2011, which are manufactured with vinyl chloride polymers or copolymers—

(a) must not contain vinyl chloride monomer in a quantity exceeding 1 milligram per kilogram of the material or article; and

(b) must be manufactured in such a way that they do not transfer to foods with which they are in contact any quantity of vinyl chloride exceeding 0.01 milligrams of vinyl chloride per kilogram of food.

(2) A person must not place on the market; or use in the course of a business in connection with the storage, preparation, packaging, selling or service of food, any material or article that does not comply with paragraph (1).

PART 12

Enforcement

Offences and Penalties

31.—(1) A person who contravenes regulation 10(3), 12(8), or 30(2) is guilty of an offence.

(2) A person who intentionally obstructs a person acting in the execution of Regulations 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009, Regulation 10/2011, Regulation 2017/625, Regulation 2022/1616, Regulation 2024/3190, Regulation 2025/40 or these Regulations is guilty of an offence.

(3) A person who, without reasonable excuse, fails to provide any assistance or information which a person may reasonably require for the performance of that person's functions under the instruments mentioned in paragraph (2) is guilty of an offence.

(4) Any person who, in purported compliance with any requirement under paragraph (3), knowingly or recklessly supplies information that is false or misleading in any material particular is guilty of an offence.

(5) A person guilty of an offence is liable—

(a) in the case of an offence created by paragraph (1) or (4) or by regulation 4(3), 5, 7, 14(1), 18(2), 21 or 24—

DRAFT

(i) on conviction on indictment to a fine or to a term of imprisonment not exceeding two years or both, or

(ii) on summary conviction to a fine not exceeding level 5 on the standard scale; and

(b) in the case of an offence created by paragraph (2) or (3), on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Nothing in paragraph (2) or (3) is to be construed as requiring a person to answer any question or give any information if to do so might incriminate that person.

Enforcement

32.—(1) Each district council in its district must execute and enforce Regulation 1935/2004, Regulation 1895/2005, Article 4 of Regulation 2023/2006, Regulation 450/2009, Regulation 10/2011, Regulation 2022/1616, Regulation 2024/3190, Article 5(4) and Article 5(5) of Regulation 2025/40 and these Regulations.

(2) The Food Standards Agency may also execute and enforce—

(a) Articles 16(1) and 17(2) of Regulation 1935/2004;

(b) Article 5 of Regulation 1895/2005;

(c) Article 13 of Regulation 450/2009;

(d) Articles 8(2), 15 and 16(1) of Regulation 10/2011;

(e) the provisions of Regulation 2022/1616 for which it is designated competent authority by regulation 28; and

(f) Article 8(3) of Regulation 2024/3190.

Offences due to the act or default of a third party

33. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person is guilty of the offence; and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.

Time limit for prosecutions

34.—(1) A prosecution for an offence under these Regulations must not be commenced after the expiry of three years from the commission of the offence or, one year from its discovery by the prosecution, whichever is the earlier.

(2) Paragraph (1) does not apply to an offence under regulation 31(2) or (3).

General Defences

35.—(1) In any proceedings for an offence under these Regulations it is, subject to paragraph (5), a defence to prove that the person accused ("the accused") took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by the accused or by a person under the control of the accused.

(2) Without prejudice to paragraph (1), a person accused of an offence under regulation 4(3), 7, 14(1), 18(3), 21, 24 or 27(1) who did not import or prepare the material or article in respect of which the offence is alleged to have been committed is to be taken to have established the defence provided by paragraph (1) if the requirements of paragraphs (3) or (4) are satisfied.

(3) The requirements of this paragraph are satisfied provided that—

DRAFT

(a) the commission of the offence was due to the act or default of another person who was not under the control of the accused, or to reliance on information supplied by such a person;

(b) either—

(i) the accused carried out all such checks of the material or article in question as were reasonable in all the circumstances, or

(ii) it was reasonable in all the circumstances for the accused to rely on checks carried out by the person who supplied the accused with that material or article; and

(c) the accused did not know and had no reason to suspect at the time the offence was committed that the act or omission would amount to an offence under these Regulations.

(4) The requirements of this paragraph are satisfied if the offence is one of placing on the market and it is proved that—

(a) the commission of the offence was due to the act or default of some other person who was not under the control of the accused, or to reliance on information supplied by such a person;

(b) the placing on the market was not done under the name or mark of the accused; and

(c) the accused did not know and could not reasonably be expected to know at the time the offence was committed that the act or omission would amount to an offence under these Regulations.

(5) If the defence provided by this regulation involves the allegation that the commission of the offence was due to the act or default of another person, or to reliance on information supplied by another person, the accused is not entitled to rely on that defence, without leave of the court, unless—

(a) at least seven clear days before the hearing; and

(b) where the accused has previously appeared before the court in connection with the alleged offence, within one month of the first such appearance,

the accused has served on the prosecution a notice in writing giving such information identifying or assisting in the identification of that other person as was then in the possession of the accused.

Procedure where a sample is to be analysed

36.—(1) An authorised officer who has procured a sample under Article 29 of the Order and who considers it should be analysed must divide the sample into three parts.

(2) If the sample consists of sealed containers and opening them would, in the opinion of the authorised officer, impede a proper analysis, the authorised officer must divide the sample into parts by putting the containers into three lots, and each lot must be treated as being a part.

(3) The authorised officer must—

(a) if necessary, place each part in a suitable container and seal it;

(b) mark each part or container;

(c) as soon as is reasonably practicable, give one part to the owner and notify the owner in writing that the sample will be analysed;

(d) submit one part for analysis in accordance with Article 30 of the Order; and

(e) retain one part for submission under regulation 37.

Secondary analysis by the Government Chemist

37.—(1) Where a sample has been retained under regulation 36(3)(e) and—

DRAFT

(a) proceedings are intended to be or have been commenced against a person for an offence under these Regulations; and

(b) the prosecution intends to adduce as evidence the result of the analysis mentioned in regulation 36(1),

paragraphs (2) to (7) apply.

(2) The authorised officer—

(a) may of the officer's own volition; or

(b) must—

(i) if requested by the prosecutor (if a person other than the authorised officer),

(ii) if the court so orders, or

(iii) (subject to paragraph (6)) if requested by the accused,

send the retained part of the sample to the Government Chemist for analysis.

(3) The Government Chemist must analyse the part sent under paragraph (2) and send to the authorised officer a certificate specifying the results of the analysis.

(4) Any certificate of the results of analysis transmitted by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by any person under the direction of the person who signs the certificate.

(5) The authorised officer must immediately on receipt supply the prosecutor (if a person other than the authorised officer) and the accused with a copy of the Government Chemist's certificate of analysis.

(6) Where a request is made under paragraph (2)(b) the authorised officer may give notice in writing to the accused requesting payment of a fee specified in the notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3), and in the absence of agreement by the accused to pay the fee specified in the notice the authorised officer may refuse to comply with the request.

(7) In this regulation "the accused" includes a person against whom an authorised officer is intending to commence proceedings.

Application of various provisions of the order

38.—(1) Article 9(1) and (2) of the Order (improvement notices) apply for the purposes of these Regulations with the modification (in the case of Article 9(1)) set out in Part 1 of Schedule 3 for the purposes of—

(a) enabling an improvement notice to be served on a person requiring that person to comply with any provision specified in Article 9(1A) of the Order as inserted by Part 1 of Schedule 3; and

(b) making the failure to comply with such a notice an offence.

(2) The provisions of the Order specified in column 1 of the table in Part 2 to Schedule 3 apply, with the modifications specified in column 2 of that table.

(3) Paragraphs (1) and (2) are without prejudice to the application of the Order to these Regulations for purposes other than those specified in paragraph (1).

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PART 13

General and supplementary

Consequential amendments

39. The statutory provisions specified in Schedule 4 are amended or revoked in accordance with that Schedule.

Savings and transitional provisions

40.—(1) Anything done under, or for the purposes of, the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 before the coming into operation of these Regulations is to be treated, so far as it could have been done under or for the purposes of these Regulations, as done under or for the purposes of these Regulations.

(2) An improvement notice served under the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 and in force immediately before the coming into operation of these Regulations continues to have effect as if served under regulation 38 and Schedule 3.

(3) Any investigation, sampling, analysis, appeal, prosecution or other enforcement action begun under the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 may be continued as if these Regulations had not been made.

(4) Paragraphs (1) to (3) do not affect any transitional provision contained in Regulation 10/2011, Regulation 2022/1616 or Regulation 2024/3190.

Sealed with the official seal of the Department of Health on 0th Month 2027.

A Name
A senior officer of the Department of Health

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SCHEDULES

SCHEDULE 1

Regulation 14(1)

Specified provisions of Regulation 10/2011

Specified provision	***Subject matter***
Article 3(a) as read with Annex I	Requires substances used in the manufacture of plastic and articles to have a high degree of purity, subject to risk assessment.
Articles 4(e) and (f), as read with Articles 17 and 18	Prohibition on placing on the market plastic materials or articles if they do not meet specified compositional and declaration requirements.
Article 5(1) and Annex I, as read with Article 6	Requirement, subject to derogations, to use only authorised substances in the manufacture of plastic layers in plastic materials and articles.
Article 8(1)	General requirements on substances used in the manufacture of plastic materials and articles.
Article 9, as read with Annex I	Particular restrictions and specifications for substances used in the manufacture of plastic layers in plastic materials and articles.
Article 10, as read with Annex II	General restrictions and requirements concerning the composition of plastic materials and articles, including conditions for using reprocessed plastic.
Article 11(1) and Annex I, as read with Article 11(3)	Specific migration limits on the degree to which constituents of plastic materials and articles are permitted to migrate into foods.
Article 11(4)	Migration test methods.
Article 12	Overall limits on the permitted level of migration of constituents of plastic materials and articles into food simulants, including specific limits regarding articles intended to come in contact with foods intended for infants and young children.
Article 13(1), (3), (4) and (5) and Annex I as read with Article 13(2)	Particular restrictions and specifications for the composition of each plastic layer in plastic multi-layer materials and articles.
Article 14(1) and (5) and Annex 1, as read with Article 14(2), (3) and (4)	Particular restrictions and specifications for the composition of each plastic layer in multi-material multi-layer materials and articles.
Article 14a(1) and (2), as read with Annex I	Labelling requirements for manufacturers or other operators who place on the market plastic food contact articles intended for repeated use.

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SCHEDULE 2

Regulation 27(1)

Specified provisions of Regulation 2022/1616

Specified provision	***Subject matter***
Article 3, as read with Annex I	Requirements for suitable recycling technologies.
Article 4, as read with Article 24 and Annex I	Requirements for recycled plastic materials and articles.
Article 5	Requirements for documentation, instructions and labelling.
Article 6	Requirements for collection and pre-processing of plastic waste.
Article 7	Requirements for decontamination of plastic input and output.
Article 8	Requirements for post-processing and use of recycled plastic materials and articles, for convertors and food business operators, including retailers.
Article 9, as read with Article 24 and Annex I	Requirements for the operation of recycling schemes.
Article 10	Requirements for the development of a novel technology.
Article 11, as read with Article 25	Conditions on the operation of recycling installations applying novel technologies.
Article 12	Supplementary information requirements on recycling installations using novel technology
Article 13	Monitoring and reporting of contamination levels requirements for recyclers operating a decontamination installation and novel technology developers.
Article 16(2)	Safeguard clause concerning the placing on the market of recycled plastic materials and articles manufactured with a novel or suitable recycling technology
Articles 21 and 22	General obligations arising from the authorisation of a recycling process, including modification requests of an authorisation.
Article 25	Requirements for registration of recyclers and decontamination installations.
Article 26, as read with Article 24 and Annex II	Requirements for recyclers in regard to compliance monitoring summary sheet and verification of the operation of a decontamination installation.
Article 29	Specific requirements for declarations of compliance for recyclers and converters.

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SCHEDULE 3

Regulation 38(2)

Application and modification of provisions of the Food Safety (Northern Ireland) Order 1991

PART 1

Modification of Article 9 of the Order

1. For Article 9(1) of the Order substitute—

"(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with a provision specified in paragraph (1A), the authorised officer may, by a notice served on that person (in this Order referred to as an improvement notice)—

(a) state the officer's grounds for believing that the person is failing to comply with the relevant provision;

(b) specify the matters which constitute the person's failure so to comply;

(c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and

(d) require the person to take those measures, or measures that are at least equivalent to them, within such period, not being less than 14 days, as may be specified in the notice.

(1A) The provisions are—

(a) regulation 10(4) or (6), or regulation 12(6), of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027;

(b) Article 16 of Regulation 1935/2004;

(c) Article 5 of Regulation 1895/2005;

(d) Articles 12 and 13 of Regulation 450/2009;

(e) Articles 8(2), Article 15 as read with Annex IV, and Article 16 of Regulation 10/2011;

(f) Articles 5 and 29 of Regulation 2022/1616; and

(g) Articles 3, 4, 5 and 8 of Regulation 2024/3190."

PART 2

Application and modification of other provisions of the Order

Column 1 ***Provision of the Order***	***Column 2*** ***Modification***
Article 2(4) (extended meaning of sale etc.)	For "this Order" substitute "the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027".
Article 4 (presumptions that food intended for human consumption)	Any reference to the Order is to be construed as including a reference to these Regulations, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009, Regulation 10/2011, Regulation 2022/1616, Regulation 2024/3190 and Regulation

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Column 1 *Provision of the Order*	*Column 2* *Modification*
	2025/40, and references to "sold" and "sale" are deemed to include references to "placed on the market" and "placing on the market".
Article 19 (offences due to fault of another person)	For any of the "preceding provisions of this Part" substitute "Article 9(2) as applied by regulation 38(1) and Part 1 of Schedule 4 to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027".
Article 20 (defence of due diligence)	In paragraph (1), for "any of the preceding provisions of this Part" substitute "Article 9(2), as applied by regulation 38(1) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027".
Article 29 (procurement of samples)	For the purposes of these Regulations, references to the Order or a Part of it are to be construed as including a reference to Regulation 10/2011, Regulation 2022/1616 Regulation 2024/3190, and Regulation 2025/40.
Article 30(8) (documentary evidence)	Any reference to the Order or a Part of it is to be construed as including a reference to these Regulations.
Article 33 (powers of entry)	For the purposes of these Regulations, references in Article 33(1) to the Order or a Part of it are to be construed as including a reference to Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009, Regulation 10/2011, Regulation 2017/625, Regulation 2022/1616, Regulation 2024/3190, and Regulation 2025/40.
Article 34 (obstruction of officers)	In each place occurring in paragraph (1), for "this Order" insert "Article 9(1) of this Order as applied by regulation 38(1)of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027".
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after "Article 34(1)" insert ", as applied and modified by regulation 38(1) and Part 2 of Schedule 3 to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027." After paragraph (1) insert—"(1A) A person guilty of an offence under Article 9(2), as applied by regulation 38(1) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027, is liable on summary conviction to a fine not exceeding level 5 on the standard scale." In paragraph (2), for "any other offence under this Order" substitute "an offence under Article 34(2), as applied by regulation 38(1) and Part 2 of Schedule 3 to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027" and, in subparagraph (b), for "the relevant amount" substitute "the statutory maximum".
Article 37 (appeals)	For paragraph (1) substitute "(1) Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1), as applied and modified by regulation 38 and Schedule 3 to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027, may appeal to a court of summary jurisdiction."
Article 38 (appeals against improvement notices)	In paragraphs (1) and (2), after "improvement notice" insert "as applied and modified by regulation 38 and Schedule 3 to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2027".

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SCHEDULE 4

Regulation 39

Revocations and consequential provision

Title	*Reference*	*Extent*
The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012	S.R. 2012 No.384	The whole Regulations
The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017	S.R. 2017 No. 157	The whole Regulations
The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018	S.R. 2018 No. 186	The whole Regulations
The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019	S.R. 2019 No. 5	Regulation 25

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012. They consolidate domestic enforcement provision in Northern Ireland for materials and articles intended to come into contact with food.

The Regulations provide for the enforcement of Regulation (EC) No 1935/2004, Regulation (EC) No 2023/2006, Regulation (EC) No 1895/2005, Regulation (EC) No 450/2009, Regulation (EU) No 10/2011, Regulation (EU) 2022/1616 and Regulation (EU) 2024/3190, and Articles 5(4) and 5(5) of Regulation (EU) 2025/40 as those instruments apply in Northern Ireland.

The Regulations replace the previous domestic enforcement provisions for Commission Regulation (EU) 2018/213, which has been repealed by Commission Regulation (EU) 2024/3190, and introduce enforcement provisions for the recycled plastics regime in Commission Regulation (EU) 2022/1616.

The Regulations designate competent authorities, create offences, provide penalties, apply and modify provisions of the Food Safety (Northern Ireland) Order 1991, and extend improvement-notice machinery to specified documentation, declaration, recycled plastics and bisphenol requirements.

A transposition note and an impact assessment of the effect that this Statutory Rule will have on the costs to business and the voluntary sector are attached to the Explanatory Memorandum which is available alongside the Statutory Rule on www.legislation.gov.uk.

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