



██████████
10 A-C Clarendon Road
Belfast, BT1 3BG

Keith McBride

Clerk to the Committee for Health
Room 419
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3SW
By email

1 June 2026

Dear Mr McBride,

**The Feed and Food (Miscellaneous Amendments and Revocations)
Regulations (Northern Ireland) 2026**

It is proposed to make a Statutory Rule under powers conferred by the Food Safety (Northern Ireland) Order 1991 and the European Union (Withdrawal) Act 2018.

The Statutory Rule is subject to the (draft) affirmative procedure.

Purpose of the Statutory Rule

The proposed legislation will make changes to six existing Statutory Rules relating to food and feed safety and standards. The purpose is to ensure that food and feed safety and standards requirements continue to be fully enforceable in Northern Ireland, and to correct some minor errors identified. A further three pieces of secondary legislation will be revoked as they are no longer necessary.

**The Addition of Vitamins, Minerals and Other Substances Regulations
(Northern Ireland) 2007**

The Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 ('the 2007 Regulations') provide for the enforcement in Northern Ireland of Regulation (EC) No 1925/2006, which lays down provisions for the addition of vitamins, minerals and other substances to food.

Article 8 and Annex III of Regulation (EC) No 1925/2006 stipulate requirements relating to substances whose use in foods is prohibited or restricted due to safety concerns. When the 2007 Regulations were made,

there were no prohibited or restricted substances in the EC Regulation. Consequently, provisions related to these substances were not included in the offences and penalties section of the original Statutory Rule. There are now several prohibited and restricted substances in the EC Regulation. For example, Ephedra herb – an ingredient used in food supplements which are typically used for weight loss and athletic performance – is prohibited as it could lead to severe adverse effects on the cardiovascular and central nervous systems (such as hypertension, and stroke).

Therefore, the FSA is proposing to amend the 2007 Regulations so that a breach of safeguards against the use of prohibited and restricted substances results in an offence. Effectively, failure to comply with Article 8(2) (a) and Part A and Part B of Annex III of Regulation (EC) No 1925/2006 would be an offence and a person guilty of such an offence would be liable:

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

The proposed amendments will bring the enforcement of Article 8 and Annex III requirements in line with other requirements within Regulation (EC) No 1925/2006.

The proposed amendments would provide for a clear consequential deterrent, supporting district councils to enforce these safety requirements in Northern Ireland and protect Northern Ireland consumers. This is in line with parallel legislation in England, Scotland and Wales.

The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016

The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ('the 2016 Regulations') provide for the enforcement in Northern Ireland of EU rules on Foods for Specific Groups, which protect specific vulnerable groups of consumers.

The proposed amendments to the 2016 Regulations will provide for the enforcement of Commission Delegated Regulation (EU) 2017/1798 of 2 June 2017 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement (TDR) for weight control.

TDR products are food which has been specially formulated for use in energy restricted diets for weight reduction which replace the whole diet. As these products replace every source of nutrients in a person's diet, there are very specific compositional requirements to which these foods must adhere. Regulation (EU) No 2017/1798 sets out these specific compositional and information requirements for total diet replacement for weight control products, as established by scientific data.

The amendments would enable an authorised officer of a district council to serve an Improvement Notice if there are reasonable grounds for believing that a Food Business Operator is failing to comply with requirements. Failure to comply with the improvement notice is an offence, punishable on summary conviction by a fine not exceeding level 5 on the standard scale. This supports the protection of vulnerable consumers.

Additional technical amendments to the 2016 Regulations would provide further clarity on the enforcement of existing requirements for infant and follow-on formula, foods for special medical purposes and processed cereal-based foods.

The Food Hygiene Regulations (Northern Ireland) 2006

The Food Hygiene Regulations (Northern Ireland) 2006 will be amended to revoke provisions, which are no longer necessary, in relation to requirements placed on Northern Ireland food businesses regarding the form and application of health and identification marks for products of animal origin.

The provisions are no longer required in domestic legislation as the relevant requirements on the form and application of health and identification marks are now set out in relevant EU legislation.

Corrections of Typographical Errors

- **The Specified Sugar Products Regulations (Northern Ireland) 2003** will be amended to correct a typographical error in Schedule 1. In the reserved description for “Semi-white sugar”, invert sugar content of not more than “0.01%” by weight should read “0.1%”.
- **The Caseins and Caseinates Regulations (Northern Ireland) 2016** will be amended to correct a typographical error in Schedule 3, replacing “Maximum ash content” with “Minimum ash content”.
- **The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016** will be amended to correct a minor typographical error in regulation 19.

Revocations

This legislation will revoke **The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997 and The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009**. These Regulations are no longer required as they implement and enforce EU provisions that are no longer in force.

This legislation will also revoke **The Salad Cream Regulations (Northern Ireland) 1966**, which are no longer considered necessary. This will bring the legislative position in Northern Ireland in line with the rest of the UK, where equivalent legislation was revoked in 1991. Food information provisions ensure consumers can continue to make informed choices.

Previous Engagement with the Committee

The Committee for Health considered the amendments relating to the Vitamins and Minerals Regulations on 18 February 2021. The proposed legislation was not made before dissolution of the Assembly in 2022.

Financial Implications

There are no anticipated financial implications for the Department of Health or the Food Standards Agency.

Consultation

The FSA previously sought stakeholder views on most of the proposed changes to the Vitamins and Minerals Regulations in 2020. The consultation was sent to Health Trusts and Supplements retail stores, and other relevant bodies. There were two responses; one was content with the proposed extension of offences and penalties, and the other said the changes would have minimal impact on their business. Between September and November 2025, the FSA subsequently sought views from interested parties on the proposed changes in the wider SR in a six-week stakeholder engagement exercise.

FSA officials met with representatives from the CAFRE Food Business Support Team, where we discussed the impacts of the proposed legislation enabling them to liaise with and update the businesses they work with regarding the changes. The FSA directly contacted district councils and relevant businesses in Northern Ireland as well as publishing the consultation on the FSA's website.

No written responses were received and no changes were made to the proposed legislation as a result of the consultation.

Compliance with Section 24 of the Northern Ireland Act 1998

Consideration has been given to the human rights implications of these regulations. They are considered compatible with Section 24 of the Northern Ireland Act 1998 and with rights under Article 2(1) of the Windsor Framework.

Consideration by the Executive

Two sets of amendments proposed within the draft Regulations include provisions on offences and penalties. Referral to the Executive is therefore required in line with paragraph 2.4 of the Ministerial Code, as the draft Regulations therefore cut across the responsibilities of the Minister of Health and the Minister of Justice. The Executive considered and agreed the draft Regulations on 30 April 2026.

Equality Impact

Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998. The amendments will apply equally across society with no differential

impacts across the equality categories set out in Section 75 of the Northern Ireland Act 1998.

Regulatory Impact

Consideration has been given to the regulatory impact of the proposed Statutory Rule. The main impact is considered to be one-off familiarisation costs to industry and district councils.

The estimated one-off familiarisation costs to businesses and district councils, assuming one person per business and two officers per council (based on word count, reading time and Annual Survey of Hours and Earnings (ASHE) figures) will cost each business £6 and each district council £10.30.

Rural Needs Impact

The FSA has undertaken a proportionate rural needs impact assessment. No specific rural needs were identified that are directly or indirectly impacted by the proposed Regulations.

Data Protection Impact

These Regulations will not involve or impact on the collection, processing or sharing of personal data in the UK. Therefore, a Data Protection Impact Assessment is not necessary.

Child Rights Impact

The FSA has undertaken an appropriate screening exercise and, as a result, concluded that these proposals, which focus on food safety, will apply equally across all population age categories. A full Child Rights Impact Assessment is not necessary.

Position in Great Britain

Parallel Vitamins and Minerals requirements are set out in assimilated legislation applying in Great Britain, and parallel consequential deterrents already exist in secondary legislation in Great Britain.

Similar enforcement provisions relating to Total Diet Replacement are present in legislation applying in Great Britain.

The other amendments are technical corrections and revocations of legislation which is no longer required. Revocation of the Salad Cream Regulations will bring Northern Ireland in line with the rest of the UK, where parallel legislation has already been revoked.

FSA officials in Northern Ireland collaborate with counterparts in the other UK nations under the Provisional Common Frameworks for Food and Feed Safety and Hygiene; Food Compositional Standards and Labelling; and Nutrition-related Labelling and Compositional Standards to maintain a consistent and coordinated policy approach across the UK.

Any other information

Not applicable.

Proposed timing of consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The FSA proposes that the Committee considers the SL1 at its meeting on 2 July 2026.

Proposed Operational Date

It is proposed that the rule will come into operation by the end of 2026, subject to the Northern Ireland Assembly process and timetable.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached. I would be grateful if you could bring this matter to the attention of the Committee for Health.

Yours sincerely

[Redacted signature]

[Redacted name]

Food Standards Lead

Email: [Redacted email address]

Mobile: [Redacted mobile number]

CC:

[Redacted] **Department of Health**
Assembly & Legislation Section (Executive Office)
Human Rights Commission
Equality Commission