

Regulations made under sections 6, 8 and 58.

**FOOD (CONTROL OF IRRADIATION)
REGULATIONS, 1987**

(LN 1987/026)

1.8.1987

ARRANGEMENT OF REGULATIONS.

Regulation

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Title and Commencement.

1.(1) These regulations may be cited as the Food (Control of Irradiation) Regulations, 1987.

(2) These regulations shall come into operation on the first day of August, 1987.

Interpretation.

2. In these regulations, unless the context otherwise requires—

“food” means food intended for sale for human consumption and includes—

- (a) cream and any food containing milk, and
- (b) drink, chewing gum and other products of a like nature and use, and
- (c) articles and substances used as ingredients in the preparation of food or drink or of such products;

but, except as provided in paragraph (a) of this definition, does not include—

- (i) water or milk,
- (ii) live animals or birds, or
- (iii) articles or substances used only as drugs;

“ionising radiation” means electromagnetic radiation (that is to say, X- or gamma-ray photons with a wave length below 500 angstroms) or corpuscular radiation (that is to say, electrons, positrons, protons, neutrons, alpha particles or heavy particles) being electromagnetic radiation or corpuscular radiation capable of producing ions and emitted from a radio-active substance or from a machine or apparatus that is intended to produce ionising radiation, or from a machine or apparatus in which charged particles are accelerated by a voltage of not less than five kilovolts;

“the Act” means the Food and Drugs Act;

And other expressions have the same meaning as in the Act.

Subjection of food to irradiation.

3. No person shall in the preparation of any food subject it to ionising radiation:

Provided that this regulation shall not prohibit the subjection of food to not more than 50 rad of ionising radiation, where the energy of the radiation delivered does not exceed 5,000,000 electron volts, or the subjection to ionising radiation of any food-

- (a) which is certified by a registered medical practitioner to be intended for consumption by patients who require a sterile diet as an essential factor in their treatment; and
- (b) in respect of which the person who subjects it to ionising radiation so notifies the Director of Medical and Health Services and keeps records which contain particulars of-
 - (i) the certification mentioned in paragraph (a),
 - (ii) the food so subjected,
 - (iii) the quantity of radiation to which it has been subjected, and
 - (iv) the despatch of the food.

Sale of irradiated food.

4. No person shall sell, have in his possession for sale or offer, or expose for sale, or consign or deliver or import into Gibraltar, food which has been subjected to ionising radiation prohibited by regulation 3 of these regulations.

Penalties.

5. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and liable-

- (a) on summary conviction, to a fine not exceeding £1,000; and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Application of various sections of the Act.

6. Sections 46(2) and (3) (which relate to prosecutions), 47(1) and (2) (which relate to evidence of analysis), 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom, 50 (which relates to a contravention due to some person other than the person charged), 51(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, pr a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations and as if the reference in the said Section 49 to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.