

FOOD SAFETY ADVISORY BOARD (ESTABLISHMENT) ORDER 1995

The Minister for Health in exercise of the powers conferred on him by sections 3 to 6 of the Health (Corporate Bodies) Act, 1961 (No. 27 of 1961), hereby orders as follows:—

REG 1

1. This Order may be cited as the Food Safety Advisory Board (Establishment) Order, 1995.

REG 2

2. A body to be known as the Food Safety Advisory Board is hereby established.

REG 3

3. In this Order—

"the Board" means the Food Safety Advisory Board established by this Order;

"the Chairman" means the Chairman for the time being of the Board;

"the Minister" means "the Minister for Health";

"food" means any substance used for food or drink by man and

(a) any substance which enters into or is used in the composition or preparation of human food,

(b) any substance which enters into or is used in the composition or preparation of any such substance aforesaid, and

(c) chewing gum and products of a similar composition.

REG 4

4. The functions of the Board are as follows:—

(a) to organise and administer a service for obtaining and assessing information as regards the safety of food,

(b) to organise and administer a service for obtaining and assessing information as regards zoonotic diseases,

(c) to advise the Minister of developments in domestic and European law relating to food,

(d) to advise the Minister on matters relating to food with particular reference to nutrition,

(e) to coordinate scientific cooperation with other European Union Member States in accordance with Council Directive 93/5/EEC,

(f) if requested by the Minister, to consider and report to him or her on arrangements to be made:—

—for ensuring that the control of food processing and handling is compatible with accepted safety standards,

—for the registration and inspection of premises carrying on a food business,

(g) to undertake such other tasks as are consistent with its remit which the Minister for Agriculture, Food and Forestry and the Minister for the Marine may require,

(h) to consider and report to the Minister on such general matters in regard to food safety and nutrition as he or she may refer to the Board for advice.

REG 5

5. (1) The Board shall consist of sixteen persons appointed by the Minister having a knowledge and experience of food safety, nutrition and consumer requirements.

(2) The Minister shall appoint from amongst the members of the Board a Chairman, following consultation with the Minister for Agriculture, Food and Forestry and the Minister for the Marine.

REG 6

6. The term of office of a member of the Board shall be such period not exceeding four years as may be specified by the Minister when appointing him or her and he or she shall hold office for the period for which he or she is appointed unless he or she dies, resigns by letter addressed to the Minister or ceases to be a member in accordance with articles 7 of this Order.

REG 7

7. A member shall cease to be a member on being requested to resign by the Minister.

REG 8

8. The quorum of the Board shall be seven.

REG 9

9. The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

REG 10

10. The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointment of the Board or any member thereof.

REG 11

11. The Chairman may at any time call a meeting of the Board.

REG 12

12. (1) If the Chairman refuses to call a meeting of the Board after a requisition for the purpose signed by three members of the Board has been presented to him, any three members of the Board may forthwith on that refusal call a meeting of the Board and if the Chairman (without so refusing) does not within seven days after the presentation of the requisition call a meeting of the Board, any three members, on expiration of these seven days, may call a meeting of the Board.

(2) At a meeting of the Board—

(a) the Chairman shall, if he or she is present, be Chairman

of the meeting,

(b) if and so long as the Chairman is not present the members of the Board who are present shall choose one of their number to be Chairman of the meeting or the next ensuing meeting.

REG 13

13. Minutes of the proceedings of each meeting of the Board shall be entered in a book kept for that purpose and shall be signed by the Chairman of the meeting or the next ensuing meeting.

REG 14

14. (1) The names of the members present at a meeting of the Board shall be recorded in the minutes of the proceedings of the Board.

(2) The names of the members voting on any question arising at a meeting of the Board shall be recorded in the minutes of the proceedings of the meeting and the record shall show which members vote for and against the question.

REG 15

15. Members of the Board may be paid travelling and subsistence allowances in accordance with such scale as may from time to time be approved by the Minister, with the consent of the Minister for Finance.

REG 16

16. (1) All Acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at the meeting of the Board.

(2) In the case of equality of votes on any question arising at a meeting of the Board, the Chairman of the meeting shall have a second or casting vote.

REG 17

17. (1) In order to facilitate the discharge of the functions of the Board, the Board may establish committees.

(2) The Board may appoint to any committee such members of the Board as are willing to act on the committee and, if the Board so think fit, other persons who have special knowledge and experience related to the purpose of the committee.

(3) Any committee so appointed shall act subject to such directives as may be given by the Board and any expenditure of monies by such committee shall be subject to the approval of the Board.

REG 18

18. The seal of the Board shall be authenticated by the signature of the Chairman or some other member of the Board duly authorised by the Board to act in that behalf and the signature of an

officer of the Board duly authorised by the Board to act on its behalf.

REG 19

19. (1) The Board shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by him or her and shall furnish to the Minister any information which he or she may require in relation to such estimates.

(2) The Board shall cause to be kept in such form as may be approved from time to time by the Minister, proper accounts of all income and expenditure of the Board and of the sources of such income and of the subject matter of such expenditure and of the assets and liabilities of the Board.

(3) The financial year of the Board shall be the period of twelve months ending on the 31st December in any year and for the purposes of this provision the period commencing on the date of this Order and ending on 31st December, 1995 shall be deemed to be a financial year.

(4) The annual financial statements of the Board for each year shall be prepared in accordance with any accounting standards which may be laid down by the Minister. The annual financial statements shall be prepared within three months of the end of the previous year for submission to the Comptroller and Auditor General and the audit of these annual financial statements shall be carried out by the Comptroller and Auditor General in accordance with section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

(5) The expenses generally of such audit shall be paid by the Board as soon as may be after each audit.

(6) Submission and presentation of the annual financial statements and auditor's report(s) thereon shall be carried out in accordance with section 11 of the Comptroller and Auditor General (Amendment) Act, 1993.

(7) The Board and the officers thereof shall, whenever so requested by the Minister, permit any person appointed by him to examine the books and accounts of the Board in respect of any financial year or other period and shall facilitate any such examination, and the Board shall pay such fee therefor as may be fixed by the Minister.

REG 20

20. (1) The Board shall in each year, not later than such date as the Minister may direct, make a general report to the Minister of its activities during the preceding year.

(2) The Board shall submit to the Minister such reports regarding the performance of its functions as the Minister may require.

(3) The Board may publish reports relevant to its functions, subject to the prior approval of the Minister, following consultation with any other Minister or Ministers who may have functions in relation to the subject matter of such reports before publishing them and in accordance with such directions in that behalf as the Minister may from time to time stipulate.

(4) In exercising the powers under sub-article (3), the Minister shall have regard to the views of the Minister for Agriculture,

Food and Forestry or the Minister for the Marine, as appropriate, as regards the time at which such reports are made public.

(5) Information obtained by the Board or its agents in the discharge of the duties referred to in this Order is confidential to the Board and may not be published, sold or otherwise traded except with the approval of the Minister.

REG 21

21. (1) The Board may, with the consent of the Minister and the approval of the Minister for Finance, appoint such and so many employees as the Board may from time to time think proper and in appointing any employee the Board shall comply with any directions given by the Minister.

(2) Every employee of the Board holding office in a permanent capacity shall cease to hold office on attaining the age of sixty-five years.

(3) The Board shall with the consent of the Minister and the approval of the Minister for Finance determine the remuneration and conditions of service of each employee.

(4) The Board shall assign such duties as they consider appropriate from time to time to each employee of the Board and each such employee shall perform the duties so assigned to him.

(5) The Minister may, whenever and so often as he or she thinks fit, declare that any of the powers conferred on the Board by this article shall be exercisable only with the consent of the Minister, and whenever any such declaration is in force, the said powers may, in relation to any office or employment to which the declaration applies, be exercised only with such consent.

(6) Schemes and Regulations made under the Local Government (Superannuation) Act, 1980) (No. 8 of 1980) shall apply to the Board as if it were a local authority.

REG 22

22. For the purpose of the performance of its functions, the Board with the prior approval of the Minister and the consent of the Minister for Finance, may:—

(1) borrow money;

(2) sell, exchange, let or otherwise dispose of any land vested in it and, purchase or take on lease any land.

REG 23

23. Subject to the approval of the Minister and the consent of the Minister for Finance:—

(1) the Board may accept gifts of money, land and other property upon such trusts and conditions, if any, as may be specified by the donor.

(2) the Board may not accept a gift if the conditions attached by the donor to its acceptance are not consistent with the functions of the Board.

GIVEN under the Official Seal of the Minister for Health, this 22nd day of June, 1995.

MICHAEL NOONAN,
Minister for Health.

EXPLANATORY NOTE.

This Order made by the Minister for Health under the Health
(Corporate Bodies) Act, 1961 establishes the Food Safety Advisory
Board.