



Irish Statutory Instruments

S.I. No. 380/2009 - European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2009

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S.I. No. 380 of 2009

EUROPEAN COMMUNITIES (HYGIENE OF FOODSTUFFS) (AMENDMENT)
REGULATIONS 2009

Notice of the making of this Statutory Instrument was published in

"Iris Oifigiúil" of 25th September, 2009.

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007)) of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Regulation (EC) No. 852/2004 1 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, as affected by the Corrigendum to Regulation (EC) No. 852/2004, 2 and for the purpose of giving effect to Regulation (EC)No. 1019/2008 3 of 17 October 2008 amending Annex II to Regulation (EC)No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2009.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Hygiene of Foodstuffs) Regulations 2006 and 2009 and shall be construed together as one.

2. (1) In these Regulations-

"Principal Regulations" means European Communities (Hygiene of Foodstuffs) Regulations 2006 (S.I. No. 369 of 2006).

3. The Principal Regulations are amended-

(a) in Regulation 2(1), in the definition of "EC Regulation", by substituting-

"Regulation (EC) No. 852/20041 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, as affected by the Corrigendum to Regulation (EC) No. 852/20042, as amended by Commission Regulation (EC) No. 1019/20082A"

for

"Regulation (EC) No. 852/20041 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, as affected by the Corrigendum to Regulation (EC) No. 852/20042",

And by the addition of the following footnote to the definition of "EC Regulation"-

"2A OJ L 277, 18.10.2008, p. 7"

(b) in Regulation 18, by substituting for subsection (4) the following-

"A person who is guilty of an offence under these Regulations is liable:

(a) on summary conviction to a fine not exceeding €5,000 or at the discretion of the Court to imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both."

(c) by substituting for Regulation 19 the following-

"Notwithstanding section 57 of the Act of 1998, a summary offence under these Regulations may be prosecuted by:

(a) the Authority, or

(b) an official agency."



GIVEN under my Official Seal,

21 September 2009.

MARY HARNEY,

Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations give effect to Commission Regulation (EC) No. 1019/2008 of 17 October 2008 amending Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs and give further effect to Regulation (EC) No. 852/2004 by providing for indictable offences and penalties.

These Regulations amend the European Communities (Hygiene of Foodstuffs) Regulations 2006 (S.I. No. 369 of 2006) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2009.

1 OJ L 139, 30.4.2004, p. 1.

2 OJ L 226, 25.6.2004, p. 3.

3 OJ L 277, 18.10.2008, p. 7

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