

2012 No. 280

FOOD

The Food Hygiene (Amendment) (No. 2) Regulations (Northern Ireland) 2012

Made - - - - *6th July 2012*

Coming into operation - *30th July 2012*

The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972^(b).

The Department of Health, Social Services and Public Safety has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food^(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any reference to an EU instrument defined in Schedule 1 to be construed, in accordance with regulation 2(3) as a reference to an annex to that instrument as amended from time to time.

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Hygiene (Amendment No. 2) Regulations (Northern Ireland) 2012 and come into operation on 30th July 2012.

(2) The Interpretation Act (Northern Ireland) 1954^(e) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

(b) 1972 c.68

(c) S.I. 2003/2901

(d) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny- Part Four (OJ No. L188, 18.7.2009, p.14)

(e) 1954 c.33 (N.I.)

Amendments to the Food Hygiene Regulations (Northern Ireland) 2006

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) for the references to the EU instruments appearing immediately after the definition of “the Community Regulations” substitute—

““Decision 2006/766”, “Decision 2011/131”, “Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 1020/2008”, “Regulation 1021/2008”, “Regulation 219/2009”, “Regulation 596/2009”, “Regulation 669/2009”, “Regulation 1162/2009”, “Regulation 739/2011”, “Regulation 809/2011”, “Regulation 880/2011”, “Regulation 1086/2011”, “Regulation 1109/2011”, “Regulation 1169/2011”, “Regulation 1223/2011”, “Regulation 1277/2011”, “Regulation 16/2012” and “Regulation 28/2012” have the meanings respectively given to them in Schedule 1;”.

(3) After regulation 2(5) insert—

“(6) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any annex to it may be amended from time to time.”.

(4) After regulation 29 (restrictions on the sale of raw milk intended for direct human consumption) insert—

“Special health mark

29A.—(1) The special health mark referred to in paragraph 9 of Chapter VI of Section I of Annex III to Regulation 853/2004 and paragraph 7 of Chapter III of Section I of Annex I to Regulation 854/2004 shall conform with Schedule 6A”.

(5) For Schedule 1 (definitions of Community legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

(6) Immediately after Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) insert the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6th July 2012.



Linda Devlin

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.R. 2006 No. 3, as amended by S.R. 2007 No. 16 and S.R. 2010 No. 83

SCHEDULE 1

Regulation 2(5)

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF EU LEGISLATION

“Decision 2006/766” means Commission Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(a) as last amended by Decision 2011/131;
“Decision 2011/131” means Commission Decision 2011/131/EU amending Annexe II to Decision 2006/766/EC as regards the inclusion of Fiji in the list of third countries and territories from which imports of fishery products for human consumption are permitted(b);
“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(c);
“Regulation 178/2002” means Regulation (EC) No. 178/2002 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 as last amended by Regulation 596/2009;
“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(d) as last amended by Regulation 219/2009 and as read with Regulation 2073/2005;
“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(e) as last amended by Regulation 16/2012 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005, Regulation 2076/2005, Regulation 1020/2008 and Regulation 1162/2009;
“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(f) as last amended by Regulation 739/2011 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005, Regulation 2076/2005, Decision 2006/766, Regulation 1021/2008 and Regulation 1162/2009;
“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(g) as last amended by Regulation 880/2011 and as read with Regulation 2074/2005, Regulation 669/2009 and Regulation 1162/2009;
“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing

(a) OJ No. L320, 18.11.2006, p.53

(b) OJ No. L53, 26.2.2011, p.73

(c) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12)

(d) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)

(e) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)

(f) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)

(g) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29)

Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(a) as last amended by Regulation 1223/2011;
“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(b) as last amended by Regulation 1086/2011;
“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(c) as last amended by Regulation 809/2011;
“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for <i>Trichinella</i> in meat(d) as last amended by Regulation 1109/2011;
“Regulation 1020/2008” means Commission Regulation (EC) No. 1020/2008 amending Annexes II and III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and Regulation (EC) No. 2076/2005 as regards identification marking, raw milk and dairy products, eggs and egg products and certain fishery products(e);
“Regulation 1021/2008” means Commission Regulation (EC) No. 1021/2008 amending Annexes I, II and III to Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and Regulation (EC) No. 2076/2005 as regards live bivalve molluscs, certain fishery products and staff assisting with official controls in slaughterhouses(f);
“Regulation 219/2009” means Regulation (EC) No. 219/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Two(g);
“Regulation 596/2009” means Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four(h) as last amended by Regulation 1169/2011;
“Regulation 669/2009” means Commission Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC(i) as last amended by Regulation 1277/2011;
“Regulation 1162/2009” means Commission Regulation (EC) No. 1162/2009 laying down transitional measures for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council(j) as last amended by Regulation 28/2012 and as read with the second sub-paragraph of Article 54(3) of Regulation 1169/2011 ;
“Regulation 739/2011” means Commission Implementing Regulation (EU) No. 739/2011 amending Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the

(a) OJ No. L271, 15.10.2005, p.17

(b) OJ No. L338, 22.12.2005, p.1, as read with the Corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62

(c) OJ No. L338, 22.12.2005, p.27

(d) OJ No. L338, 22.12.2005, p.60

(e) OJ No. L277, 18.10.2008, p.8

(f) OJ No. L277, 18.10.2008, p.15

(g) OJ No. L87, 31.3.2009, p.109

(h) OJ No. L188, 18.7.2009, p.14

(i) OJ No. L194, 25.7.2009, p.11

(j) OJ No. L314, 1.12.2009, p.10

Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(a);
“Regulation 809/2011” means Commission Implementing Regulation (EU) No. 809/2011 amending Regulation (EC) No. 2074/2005 as regards documentation accompanying imports of frozen fishery products directly from a freezer vessel(b);
“Regulation 880/2011” means Commission Regulation (EU) No. 880/2011 correcting Regulation (EU) No 208/2011 amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council and Commission Regulations (EC) No 180/2008 and (EC) No 737/2008 as regards lists and names of EU reference laboratories(c);
“Regulation 1086/2011” means Commission Regulation (EU) No. 1086/2011 amending Annex II to Regulation (EC) No. 2160/2003 of the European Parliament and of the Council and Annex I to Commission Regulation (EC) No. 2073/2005 as regards <i>salmonella</i> in fresh poultry meat(d);
“Regulation 1109/2011” means Commission Implementing Regulation (EU) No. 1109/2011 amending Annex I to Regulation (EC) No. 2075/2005 as regards the equivalent methods for <i>Trichinella</i> testing(e);
“Regulation 1169/2011” means Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004(f);
“Regulation 1223/2011” means Commission Implementing Regulation (EU) No 1223/2011 amending Regulation (EC) No 1688/2005 as regards sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden(g);
“Regulation 1277/2011” means Commission Implementing Regulation (EU) No 1277/2011 amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin(h);
“Regulation 16/2012” means Commission Regulation (EU) No. 16/2012 amending Annex II to Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards the requirements concerning frozen food of animal origin intended for human consumption(i);
“Regulation 28/2012” means Commission Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009(j).”

(a) OJ No. 196, 28.7.2011, p.3

(b) OJ No. L207, 12.8.2011, p.1

(c) OJ No. L228, 3.9.2011, p.8

(d) OJ No. L281, 28.10.2011, p.7

(e) OJ No. L287, 4.11.2011, p.23

(f) OJ No. L304, 22.11.2011, p.18

(g) OJ No. L314, 29.11.2011, p.12

(h) OJ No. L327, 19.12.2011, p.42

(i) OJ No. L8, 12.1.2012, p.29

(j) OJ No. L12, 14.1.2012, p.1

SCHEDULE 2

Regulation 2(6)

SCHEDULE TO BE INSERTED IMMEDIATELY AFTER SCHEDULE 6 TO THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006

“SCHEDULE 6A

Regulation 29A

THE SPECIAL HEALTH MARK

1. The special health mark shall consist of a square mark containing in legible form the following characters:

- on the upper part, the letters “UK”;
- in the centre, the approval number of the premises; and
- on the lower part, the letter “N”.

2. When applied to carcases, the special health mark shall measure 5.5 cm by 5.5 cm and contain letters 0.8 cm high and figures 1 cm high. The dimensions and characters of the mark may be reduced for health marking of lamb, kids and piglets.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Hygiene Regulations (Northern Ireland) (“the 2006 Regulations”) by updating the definitions of certain EU instruments that are referred to in those Regulations and providing that reference to those EU instruments shall be references to them as any annex to them as amended from time to time.

2. These Regulations amend the 2006 Regulations to update the definitions of certain EU instruments by —

- (a) substituting definitions of certain EU instruments for the definitions of the EU instruments that currently appear after the definition of “the Community Regulations” in regulation 2(1)(Interpretation) (regulation 2(2));
- (b) adding a provision that any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any annex to it may be amended from time to time (regulation 2(3)); and
- (c) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (*regulation 2(5)*).

3. In addition these Regulations specify the form and size of the special health mark to be applied to meat derived from animals that have undergone emergency slaughter outside the slaughterhouse (*regulation 2(4) and (6) and Schedule 2*).

4. A full impact assessment of the effect that this Statutory Rule will have on the costs of business and the voluntary sector is available from the Food Safety Group of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available at www.legislation.gov.uk.

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