

Statutory Instrument 1996 No. 1633 (N.I. 12)

## **The Food Safety (Amendment) (Northern Ireland) Order 1996**

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## STATUTORY INSTRUMENTS

1996 No. 1633 (N.I. 12)

### NORTHERN IRELAND

The Food Safety (Amendment) (Northern Ireland) Order 1996

Made

26th June 1996

Coming into operation

27th August 1996

### ARRANGEMENT OF ORDER

1.  
Title and commencement.
2.  
Interpretation.
3.  
Department of Agriculture.
4.  
Regulations with respect to importation of particular foods.
5.  
Registration of food premises.
6.  
Food hygiene training.
7.  
Enforcement of the Order, analysts and appeals.
8.  
Codes of practice.
9.  
Default powers.
10.  
Fitness, etc., of food.
11.  
Saving and repeals.

## SCHEDULE:

Repeals.

### Explanatory Note

At the Court at Buckingham Palace, the 26th day of June 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the 1974 c. 28 Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

#### Title and commencement

1.—(1) This Order may be cited as the Food Safety (Amendment) (Northern Ireland) Order 1996.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

#### Interpretation

2.—(1) The 1954 c. 33 (N.I.) Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the principal Order" means the 1991 NI 7 Food Safety (Northern Ireland) Order

1991.

Department of Agriculture

3.—(1) In Article 2(2) of the principal Order (interpretation)—

(a) for the definition of "the Department concerned" there shall be substituted—

""the Department concerned" means the Department or the Department of Agriculture or the

Department and the Department of Agriculture acting jointly;" ;

(b) the definitions of "dairy farm", "liquid milk plant" and "novel" shall cease to have effect.

(2) For Article 26(1) of the principal Order (enforcement of the Order) there shall be substituted—

" (1) Subject to paragraph (1A), the provisions of this Order shall be enforced and executed by

each district council within its district.

(1A) The Department of Agriculture shall enforce and execute such provisions of this Order as

may be specified by order." .

Regulations with respect to importation of particular foods

4.—(1) In Article 17 of the principal Order (special provisions for particular foods)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a) the word "or" shall be omitted;

(ii) after sub-paragraph (b) there shall be inserted—

"or

(c) for prohibiting the importation of any food of a class so specified," ;

(iii) for the words "in either case" there shall be substituted "(in each case)";

(iv) at the end there shall be inserted "and in the case of a prohibition on importation, is

imported at an authorised place of entry";

(b) after paragraph (2) there shall be inserted—

" (2A) In this Article—

"authorised place of entry" means any port, aerodrome or other place of entry authorised

by or under the regulations and, in relation to food in a particular consignment, includes any

place of entry so authorised for the importation of that consignment;

"novel food" means any food which has not previously been used for human consumption in Northern Ireland, or has been so used to a very limited extent." .

(2) Article 46 of the principal Order shall cease to have effect.

#### Registration of food premises

5. In Article 18(1)(a) of the principal Order (registration and licensing of food premises) after

"councils" there shall be inserted "or, as the case may be, the Department of Agriculture".

#### Food hygiene training

6. In Article 22 of the principal Order (provision of food hygiene training)—  
(a) in paragraph (1) for the words from the beginning to "district" in the second place where it

occurs there shall be substituted "The Department of Agriculture or, as the case may be, a district

council (whether within or outside its district) may provide";

(b) paragraph (2) shall cease to have effect;

(c) in paragraph (3) the words "or (2)" shall cease to have effect.

#### Enforcement of the Order, analysts and appeals

7.—(1) In Article 2(2) of the principal Order (interpretation), in the definition of "authorised officer",

after sub-paragraph (b), there shall be inserted—

"(c) in the case of duties imposed on the Department concerned by virtue of a direction

under Article 26(2), a person who is generally or specially authorised in writing by the

Department concerned for the purposes of that direction;" .

(2) In Article 26 of the principal Order (enforcement of the Order)—

(a) in paragraph (2) for "The Department" there shall be substituted "The Department concerned"

and for "the Department" there shall be substituted "that Department or any person who is

generally or specially authorised in writing by that Department";

(b) in paragraph (4)—

(i) after "Department" there shall be inserted "concerned";

(ii) the word "such" shall cease to have effect;

(iii) at the end there shall be added "under any provisions of this Order or any regulations or

orders made under it";

(c) paragraph (5) shall cease to have effect.

(3) In Article 27(6) of the principal Order (appointment of analysts by the Department of Agriculture)

for "conferred on that Department by" there shall be substituted "of that Department under".

(4) After Article 37(2) of the principal Order there shall be inserted—

" (2A) The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be—

(a) one month from the date on which notice of the decision L was served on the person

desiring to appeal; or

(b) in the case of an appeal under paragraph (1)(a), that period or the period specified in the

improvement notice, whichever ends the earlier." .

(5) Articles 13 to 15 of the 1996 NI 11.Deregulation and Contracting Out (Northern Ireland) Order

1996 shall apply for the purposes of paragraphs (1) and (2)(a) as they apply for the purposes of Part III of that Order.

Codes of practice

8. In Article 39 of the principal Order (codes of practice)—

(a) in paragraph (1) after "Department" there shall be inserted "concerned";

(b) in paragraph (2)(b) after "Department" there shall be inserted "concerned";

(c) in paragraph (3) after "Department" there shall be inserted "concerned";

(d) in paragraph (4) for "the Department" in the first place where it occurs there shall be

substituted "the Department concerned" and in the second place where it occurs there shall be

substituted "that Department".

Default powers

9. In Article 41 of the principal Order (default powers)—

(a) in paragraph (1) for "the Department" in the first place, where it occurs there shall be

substituted "the Department concerned" and in the second and third places where it occurs there

shall be substituted "that Department";

(b) in paragraph (2) after "Department" there shall be inserted q "concerned";

(c) in paragraph (3) for "The Department" there shall be substituted "The Department concerned"

and for "the Department" there shall be substituted "that Department".

Fitness, etc., of food

10. In paragraph 3 of Schedule 1 to the principal Order (provision for regulating the treatment and disposal of food)—

(a) after "3" there shall be inserted "—(1)";

(b) at the end there shall be inserted—

" (2) Provision for the following, namely—

(a) for the registration by the Department of Agriculture of premises used or

paragraph (1) proposed to be used for the purpose of sterilising meat to which sub-

which are not applies, and for prohibiting the use for that purpose of any premises

registered in accordance with the regulations; or

premises for (b) for the issue by that Department of licences in respect of the use of

purpose of the purpose of sterilising such meat, and for prohibiting the use for that

regulations." . any premises except in accordance with a licence issued under the

Saving and repeals

11.—(1) Notwithstanding the repeal of the 1989 NI 6.Food (Northern Ireland) Order 1989 by

paragraph (2) and the Schedule the following Regulations shall have effect as if made under Article 15 of

the 1991 NI 7.Food Safety (Northern Ireland) Order 1991, that is to say—

the SR 1989 No. 448.Meat (Sterilisation and Staining) Regulations (Northern Ireland) 1989;

the SR 1991 No. 5.Meat Inspection (Amendment) Regulations (Northern Ireland) 1991;

the SR 1991 No. 158.Slaughterhouse (Hygiene) (Amendment) Regulations (Northern Ireland) 1991;

the SR 1995 No. 136.Bovine Offal (Prohibition) (Amendment) Regulations (Northern Ireland) 1995;

the SR 1995 No. 457.Specified Bovine Offal (Treatment and Disposal) Regulations (Northern Ireland) 1995;

the SR 1995 No. 470. Mechanically Recovered Meat Regulations (Northern Ireland) 1995.

(2) The statutory provisions set out in the Schedule are hereby repealed to the extent specified in column 3 of the Schedule.

N. H. Nicholls

Clerk of the Privy Council

## **SCHEDULE**

Article 11(2).

### **REPEALS**

Number	Short title	Extent of Repeal
1989 NI 6.	The Food (Northern Ireland) Order 1989.	The whole Order.
1991 NI 7.	The Food Safety (Northern Ireland) Order 1991.	In Article 2(2), the definitions of "dairy farm", "liquid milk plant" and "novel"; in the definition of "authorised officer" in sub-paragraph (a) the words ",subject to Article 26(5)" and in the definition of "regulations" the words "except in Article 46".
		Article 12(8).
		In Article 17(1) at the end of sub-paragraph (a) the word "or".
		In Article 22, paragraph (2) and in paragraph (3) the words "or (2)".
		In Article 26, in paragraph (4) the word "such" and paragraph (5).
		Article 46.



## **EXPLANATORY NOTE**

(This note is not part of the Order)

This Order makes miscellaneous amendments to the Food Safety (Northern Ireland) Order 1991.

The principal amendments extend the provisions of that Order to enable the Department of

Agriculture to exercise functions under that Order in relation to all foods for which it has responsibility.