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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 83**

**FOOD**

**The Food Hygiene (Amendment)  
Regulations (Northern Ireland) 2010**

*Made* - - - - *1st March 2010*

*Coming into operation* *13th April 2010*

The Department of Health, Social Services and Public Safety<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972<sup>(2)</sup>.

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<sup>(3)</sup>.

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<sup>(4)</sup> 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) Regulations (Northern Ireland) 2010 and come into operation on 13<sup>th</sup> April 2010.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(5)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendments to the Food Hygiene Regulations (Northern Ireland) 2006**

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006<sup>(6)</sup> are amended in accordance with paragraphs (2) and (3).

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

(2) 1972 c.68

(3) S.I. 2003/2901

(4) 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)

(5) 1954 c.33 (N.I.)

(6) S.R. 2006 No. 3, as amended by S.R. 2007 No. 16

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

““Decision 2006/766”, “Decision 2009/951”, “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 2076/2005”, “Regulation 1662/2006”, “Regulation 1663/2006”, “Regulation 1664/2006”, “Regulation 1666/2006”, “Regulation 1791/2006”, “Regulation 479/2007”, “Regulation 1243/2007”, “Regulation 1244/2007”, “Regulation 1245/2007”, “Regulation 1246/2007”, “Regulation 1441/2007”, “Regulation 439/2008”, “Regulation 1250/2008”, “Regulation 146/2009”, “Regulation 219/2009”, “Regulation 596/2009”, and “Regulation 669/2009” have the meanings respectively given to them in Schedule 1;”.

(3) For Schedule 1 (definitions of Community legislation) there is substituted the Schedule (definitions of EU legislation) set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 1st March 2010.



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

SCHEDULE

Regulation 2(3)

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

“SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF EU LEGISLATION

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| “Decision 2006/766” means Commission Decision <a href="#">2006/766/EC</a> establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(7) as last amended by Decision 2009/951;                                                                                                                                                                                                                         |
| “Decision 2009/951” means Commission Decision 2009/951/EU amending Annexes I and II to Decision <a href="#">2006/766/EC</a> establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(8);                                                                                                                                                                                                            |
| “Directive 2004/41” means Directive <a href="#">2004/41/EC</a> 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 <a href="#">89/662/EEC</a> and <a href="#">92/118/EEC</a> and Council Decision <a href="#">95/408/EC</a> (9);                                                                    |
| “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(10) 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(11) as 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(12) as amended by Regulation 2074/2005, Regulation 2076/2005, Regulation 1662/2006, Regulation 1791/2006, Regulation 1243/2007 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;                                                                                       |
| “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(13) as amended by Regulation 882/2004, Regulation 2074/2005, Regulation 2076/2005, Regulation 1663/2006, Regulation 1791/2006 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005, Regulation 2076/2005 and Decision 2006/766; |
| “Regulation 882/2004” means Regulation (EC) No. <a href="#">882/2004</a> of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and                                                                                                                                                                                                                                                                                                              |

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

(8) OJ No. L328, 15.12.2009, p.70

(9) 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)

(10) OJ No. L31, 1.2.2002, p.1

(11) 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)

(12) 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)

(13) 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)

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| food law, animal health and animal welfare rules(14) as last amended by Regulation 596/2009 and as read with Regulation 2074/2005, Regulation 2076/2005 and Regulation 669/2009;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| “Regulation 1688/2005” means <a href="#">Commission Regulation (EC) No. 1688/2005</a> implementing 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(15);                                                                                                                                                                                                                                                                                                                                                                                          |
| “Regulation 2073/2005” means <a href="#">Commission Regulation (EC) No. 2073/2005</a> on microbiological criteria for foodstuffs(16) as amended by Regulation 1441/2007;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| “Regulation 2074/2005” means <a href="#">Commission Regulation (EC) No. 2074/2005</a> 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(17) as amended by Regulation 1664/2006, Regulation 1244/2007 and Regulation 1250/2008; |
| “Regulation 2075/2005” means <a href="#">Commission Regulation (EC) No. 2075/2005</a> laying down specific rules on official controls for <i>Trichinella</i> in meat(18) as last amended by Regulation 1245/2007;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| “Regulation 2076/2005” means <a href="#">Commission Regulation (EC) No. 2076/2005</a> laying down transitional arrangements 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 and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(19) as amended by Regulation 1666/2006, Regulation 479/2007, Regulation 1246/2007, Regulation 439/2008 and Regulation 146/2009;                                                                                                                                                                                                                     |
| “Regulation 1662/2006” means <a href="#">Commission Regulation (EC) No. 1662/2006</a> amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(20);                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| “Regulation 1663/2006” means <a href="#">Commission Regulation (EC) No. 1663/2006</a> amending 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(21);                                                                                                                                                                                                                                                                                                                                                                                 |
| “Regulation 1664/2006” means <a href="#">Commission Regulation (EC) No. 1664/2006</a> amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(22);                                                                                                                                                                                                                                                                                                                                                                                                             |
| “Regulation 1666/2006” means <a href="#">Commission Regulation (EC) No. 1666/2006</a> amending Regulation (EC) No. 2076/2005 laying down transitional arrangements 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(23);                                                                                                                                                                                                                                                                                                                                                                          |

(14) 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)

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

(16) 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

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

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

(19) OJ No. L338, 22.12.2005, p.83

(20) OJ No. L320, 18.11.2006, p.1

(21) OJ No. L320, 18.11.2006, p.11

(22) OJ No. L320, 18.11.2006, p.13

(23) OJ No. L320, 18.11.2006, p.47

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| <p>“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(24);</p> |
| <p>“Regulation 479/2007” means Commission Regulation (EC) No. 479/2007 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements 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 and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(25);</p>                                                                                                                                                                                         |
| <p>“Regulation 1243/2007” means Commission Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin(26);</p>                                                                                                                                                                                                                                                                                                                         |
| <p>“Regulation 1244/2007” means Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat(27);</p>                                                                                                                                                                                                                                                        |
| <p>“Regulation 1245/2007” means Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005, as regards the use of liquid pepsin for the detection of <i>Trichinella</i> in meat(28);</p>                                                                                                                                                                                                                                                                                                                                             |
| <p>“Regulation 1246/2007” means Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption(29);</p>                                                                                                                                                                                                                                                                                                    |
| <p>“Regulation 1441/2007” means Commission Regulation (EC) No. 1441/2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(30);</p>                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>“Regulation 439/2008” means Commission Regulation (EC) No. 439/2008 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Fiji(31).</p>                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>“Regulation 1250/2008” means Commission Regulation (EC) No. 1250/2008 amending Regulation (EC) No. 2074/2005 as regards certification requirements for import of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption(32);</p>                                                                                                                                                                                                                                                                    |
| <p>“Regulation 146/2009” means Commission Regulation (EC) No. 146/2009 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Cameroon(33);</p>                                                                                                                                                                                                                                                                                                                                                                              |
| <p>“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(34);</p>                                                                                                                                                                                         |

(24) OJ No. L363, 20.12.2006, p.1

(25) OJ No. L111, 28.4.2007, 46

(26) OJ No. L281, 25.10.2007, p.8

(27) OJ No. L281, 25.10.2007, p.12

(28) OJ No. L281, 25.10.2007, p.19

(29) OJ No. L281, 25.10.2007, p.21

(30) OJ No. L322, 7.12.2007, p.12

(31) OJ No. L132, 22.5.2008, p.16

(32) OJ No. L337, 16.12.2008, p.31

(33) OJ No. L50, 21.2.2009, p.3

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

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“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(35); and

“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(36).”

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3, as already amended)

These Regulations amend the Food Hygiene Regulations (Northern Ireland) 2006 to update the definitions of certain EU instruments by—

- (a) substituting references to specified EU instruments for the references to the EU instruments that currently appear after the definition of “the Community Regulations” in regulation 2(1) (interpretation) (*regulation 2(2)*); and
- (b) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (definitions of Community legislation) (*regulation 2(3)*).

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

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