
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART II

GENERAL PROVISIONS AS TO FOOD

Food poisoning

Provisions as to suspected food

33.—(1) If a chief administrative medical officer of a Health and Social Services Board has reasonable ground for suspecting that any food is likely to cause food poisoning, he may give notice to the person in charge of that food that, until his investigations are completed—

- (a) the food, or any specified portion of it, is not to be used for human consumption, and
- (b) either is not to be removed, or is not to be removed except to some place specified in the notice.

(2) A person who uses or removes any food in contravention of the requirements of a notice given under paragraph (1) shall be guilty of an offence.

(3) If, as a result of his investigations, the chief administrative medical officer is satisfied that the food in question, or any portion of it, is likely to cause food poisoning, he may deal with it as food falling within paragraph (1) of Article 11 and paragraphs (2) and (3) of that Article shall apply accordingly; but, if he is satisfied that it may safely be used for human consumption he shall forthwith withdraw his notice.

(4) If a notice given under paragraph (1) is withdrawn by the chief administrative medical officer, or if the justice of the peace before whom any food is brought under this Article refuses to condemn it, the Health and Social Services Board shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the chief administrative medical officer.

(5) For the purposes of paragraph (4) the value of any food shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

(6) Any function of the chief administrative medical officer of a Health and Social Services Board under this Article may be exercised by such other medical officer of the board as the chief administrative medical officer may authorise in writing in that behalf.

(7) In this Article—

“food poisoning” includes any disease transmissible by food;

“Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
