
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART II

GENERAL PROVISIONS AS TO FOOD

Food unfit for human consumption

Prohibition on sale, etc., of food unfit for human consumption

10.—(1) Subject to the provisions of this Article, any person who—

- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale; or
- (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale;

any food intended for, but unfit for, human consumption shall be guilty of an offence.

(2) Subject to paragraph (3), where food in respect of which an offence under paragraph (1)(a) has been committed was sold to the offender by some other person, that person also shall be guilty of an offence.

(3) Where a person is charged with an offence under paragraph (1)(b) or under paragraph (2) it shall be a defence for him to prove—

- (a) that he had no reason to suppose that the person, with whom he deposited, or to whom he consigned or sold, the food in question, intended the food for human consumption, and that he gave notice to that person that the food was unfit for such consumption; or
- (b) that, at the time when he delivered or dispatched it to that person, it was fit for human consumption; or
- (c) that, at that time he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

Examination and seizure of suspected food

11.—(1) An authorised officer of a district council may—

- (a) at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale; and
- (b) if it appears to him to be unfit for human consumption, seize it and remove it in order to have it dealt with by a justice of the peace.

(2) An officer who seizes any food under paragraph (1) shall inform the person in whose possession the food was found of his intention to have it dealt with by a justice of the peace, and any person who under Article 10 might be liable to a prosecution in respect of the food shall, if he attends before the justice upon the application for its condemnation, be entitled to be heard and call witnesses.

(3) If it appears to a justice of the peace that any food brought before him, whether seized under the provisions of this Article or liable to be so seized, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) Any order made under paragraph (3) shall be sufficient evidence of the unfitness for human consumption of the food in question in any prosecution under this Order.

(5) If a justice of the peace refuses to condemn any food seized under this Article by an authorised officer of a district council, the council shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

Food offered as prizes, etc.

12.—(1) Articles 10 and 11 shall apply—

- (a) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if that food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if that food were, or had been, exposed for sale by the person offering or giving away the food;
- (c) in relation to any food which is intended for human consumption and is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned above, as if that food were, or had been, exposed for sale by the occupier of the premises.

(2) In this Article the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

Power to examine food in course of transit

13.—(1) If an authorised officer of a district council has reason to suspect that any vehicle or container contains any food—

- (a) which is intended for sale for human consumption, or
- (b) which is in the course of delivery after sale for human consumption,

he may examine the contents of the vehicle or of the container.

(2) For the purpose of any examination under paragraph (1) the officer may, if necessary, detain the vehicle or the container.

(3) If the officer finds any food which appears to him to be intended for, but unfit for, human consumption, he may deal with it as food falling under Article 11(1) and paragraphs (2) to (5) of that Article shall apply accordingly.

(4) Where the duties of an officer of customs and excise with respect to any goods have not been wholly discharged, nothing in this Article shall authorise the examination of those goods without his consent.

Products of knackereries

14.—(1) A person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale, for human consumption—

- (a) any part of, or product derived wholly or partly from, an animal which has been slaughtered in a knackerery or of which the carcass has been brought into a knackerery;

(b) any part brought into a knackery of the carcase of an animal, or any product derived wholly or partly from that part,
shall be guilty of an offence.

(2) In this Article “knackery” means any premises used in connection with the business of slaughtering animals the flesh of which is not intended for human consumption, or of flaying, cutting up or processing the carcasses of such animals.