
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART II

GENERAL PROVISIONS AS TO FOOD

Special provisions as to certain foods

Regulations as to milk

27.—(1) The Department may, to prevent danger to health from the supply or sale of infected milk, make such regulations as appear to the Department to be expedient—

- (a) for requiring the treatment before it is supplied or sold of milk which is infected or suspected of being infected;
- (b) for prohibiting the supply or sale of milk which is infected or suspected of being infected;
- (c) for prohibiting the use of milk which is infected or suspected of being infected in the manufacture of products for sale for human consumption;
- (d) for authorising the payment by district councils of compensation to any person for damage or loss sustained by him by reason of any prohibition or restriction imposed by regulations made under this Article on the supply, sale or use of milk which is infected or suspected of being infected.

(2) The Department may, where no express provision is made by this Order, make regulations for prohibiting or restricting—

- (a) the addition of any substance to milk, or the abstraction from milk of fat or any other constituent;
- (b) the supply or sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated.

(3) Regulations made under paragraph (2) shall not apply in relation to cream in so far as they are made for any purpose for which regulations relating to cream may be made under Article 6.

(4) The Department may, with the approval of the Department of Finance and Personnel, repay out of moneys appropriated by Measure such part, not exceeding three-quarters, as the Department may with such approval determine of any sums paid by a district council by way of compensation to any person for any damage or loss sustained by him by reason of any prohibition or restriction imposed by regulations made under paragraph (1) on the sale, supply or use of milk which is infected or suspected of being infected.

(5) In this Article “milk” means milk intended for supply or sale or supplied or sold for human consumption, or intended for manufacture into products for sale for human consumption.

Prohibition of sale of milk from diseased cows

28.—(1) A person who—

- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale, for human consumption; or
- (b) uses in the manufacture of products for sale for human consumption;

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this Article applies, shall be guilty of an offence.

(2) In any prosecution under this Article, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering as mentioned in paragraph (1), if he could with ordinary care have ascertained the fact.

(3) The diseases of cows to which this Article applies are those listed in Schedule 1 and any other disease to which the provisions of this Article are extended by regulations made by the Department for that purpose.

Certain additions not to be made to milk and certain liquids not to be sold as milk

29.—(1) Subject to paragraph (3), a person who—

- (a) adds any water or colouring matter, or any dried or condensed milk or liquid reconstituted from it, to milk intended for sale for human consumption; or
- (b) adds any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption; or
- (c) sells, or offers or exposes for sale, or has in his possession for the purpose of sale, for human consumption, any milk to which any addition has been made in contravention of the provisions of this paragraph,

shall be guilty of an offence.

(2) A person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, as milk any liquid in the making of which any separated milk or any dried or condensed milk has been used, shall be guilty of an offence.

(3) The prohibitions contained in paragraph (1)(a) and (c), in so far as they relate to the adding of any water to milk or the sale, offering or exposure for sale or possession of milk to which water has been added shall not apply in any case where water is added to milk in the course of any process of direct heat treatment by steam authorised under the Marketing of Milk Products Act (Northern Ireland) 1958(1) or the Milk (Northern Ireland) Order 1983(2) (whichever is applicable), where the process is conducted in accordance with regulations made in that behalf by the Department of Agriculture under that Act or, as the case may be, that Order.

(4) For the purposes of paragraph (1)(c), a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected; but nothing in this paragraph shall be taken as prejudicing the defence available under Article 41(10) or, as the case may be, under Article 42(8), to a person charged with an offence in respect of a sample of milk taken after the milk has left his possession.

Cream substitutes

30.—(1) Subject to the provisions of this Article, a person who sells, or offers or exposes for sale, for human consumption—

- (a) any substance which resembles cream in appearance, but is not cream; or
- (b) any article of food containing such a substance;

(1) 1958 c. 31 (N.I.)
(2) 1983 NI 2

under a description or designation which includes the word “cream” (whether or not as part of a composite word), shall be guilty of an offence.

(2) Paragraph (1) shall not apply to the sale, or offer or exposure for sale—

- (a) of any substance being reconstituted or imitation cream as defined by this Article or of any article containing such a substance, under a description or designation which identifies the substance as such, or
- (b) of any substance under a description or designation which indicates that the substance is not for use as, or as a substitute for, cream.

(3) For the purposes of this Article, the description or designation under which a substance or article is sold, or offered or exposed for sale, shall be deemed to include the word “cream” if it includes any other word (composite or otherwise) which is calculated to lead a purchaser to suppose that the substance is or, as the case may be, the article contains either cream or a substance for use as cream.

(4) In this Article—

“reconstituted cream” means a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except—

- (a) water; or
- (b) ingredients (not added fraudulently to increase bulk, weight or measure, or conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream or butter;

“imitation cream” means a substance which, not being cream or reconstituted cream, resembles cream in appearance and is produced by emulsifying edible oils or fats with water, either by themselves, or with other substances not prohibited by regulations made for the purposes of this Article under Article 6, nor added in quantities so prohibited.

Sign to be displayed on premises, etc., where horseflesh is sold for human consumption

31.—(1) A person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any horseflesh for human consumption elsewhere than in premises or in a stall, vehicle or place other than premises over or on which there is at all times displayed in a conspicuous position a notice in legible letters not less than four inches in height stating that horseflesh is sold there, shall be guilty of an offence.

(2) A person who supplies horseflesh for human consumption to a purchaser who has not asked to be supplied with horseflesh, or who has asked to be supplied with some compound article of food not ordinarily made of horseflesh, shall be guilty of an offence.

(3) If any horseflesh is exposed for sale elsewhere than in premises or in a stall, vehicle or place other than premises distinguished in accordance with paragraph (1) without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

(4) In this Article—

“horseflesh” means the flesh of horses, asses and mules, and includes any such flesh whether cooked or uncooked and whether alone, or accompanied by, or mixed with, any other substance; and

“flesh” includes any part of any such animal.