Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Safety (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1991 No. 762 (N.I. 7)

The Food Safety (Northern Ireland) Order 1991

- - - - - - *20th March 1991*

PART I N.I.

INTRODUCTORY

Title and commencement N.I.

1.—(1) This Order may be cited as the Food Safety (Northern Ireland) Order 1991.

(2) Subject to paragraph (3), this Order shall come into operation on such day or days as the Head of the Department may by order appoint[F1].

(3) This Article and Articles 2 and 12 shall come into operation on the expiration of 2 months from the day on which the Order is made.

(4) An order under paragraph (2) may contain such transitional and supplementary provisions as appear to the Head of the Department to be necessary or expedient.

F1 fully exercised by SR 1991/175

Interpretation N.I.

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] 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—

"advertisement" includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound;

"analysis" includes microbiological assay and any technique for establishing the composition of food;

"animal" means any creature other than a bird or fish;

"article" does not include a live animal or bird, or a live fish which is not used for human consumption while it is alive;

"authorised officer" means—

(a) [F3]in the case of functions conferred on a district council,. . . a person who is generally or specially authorised in writing by that council for the purposes of this Order;

(b) in the case of functions conferred on the Department of Agriculture, a person who is generally or specially authorised in writing by that Department for the purposes of this Order;

(bb) **[**[F4]in the case of functions conferred on the Food Standards Agency, a person who is generally or is specially authorised in writing by the Food Standards Agency for the purpose of this Order;**]**

(c) **[**[F3]in the case of duties imposed on**[**[F4] the Department, the Department of Agriculture or the Food Standards Agency**]** by virtue of a direction under Article 26(2), a person who is generally or specially authorised in writing by**[**[F4] the Department, the Department of Agriculture or the Food Standards Agency**]** for the purposes of that direction;**]**

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council or other public authority;

"commercial operation", in relation to any food or contact material, means any of the following, namely—

(a) selling, possessing for sale and offering, exposing or advertising for sale;

(b) consigning, delivering or serving by way of sale;

(c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;

(d) storing or transporting for the purpose of sale;

(e) importing and exporting;

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;

"contact material" means any article or substance which is intended to come into contact with food;

"container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise;

Definition rep. by 1996 NI 12

"the Department " means the Department of Health and Social Services;

Definition rep. by 1999 c.28

"description", in relation to food, includes any description of its origin or of the manner in which it is packed;

"equipment" includes any apparatus;

"examination" means microbiological examination;

[F5]"exportation" and "importation" have the same meanings as they have for the purposes of the Customs and Excise Management Act 1979;

"fish" includes crustaceans and molluscs;

[[F6]"food" has the same meaning as it has in Regulation (EC) No. 178/2002.**]**

"food business" means any business in the course of which commercial operations with respect to food or food sources are carried out;

"food premises" means any premises used for the purposes of a food business;

"food source" means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);

"human consumption" includes use in the preparation of food for human consumption;

Definition rep. by 1996 NI 12

"milk" includes cream and skimmed or separated milk;

Definition rep. by 1996 NI 12

"occupier", in relation to any ship or aircraft of a description specified in an order or any vehicle, stall or place, means the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place;

"officer" includes servant;

"order", except in Article 1(2), means an order made by**[**[F4] the Department**]** subject to negative resolution;

"premises" includes any place, any vehicle, stall or moveable structure and, for such purposes as may be specified in an order, any ship or aircraft of a description so specified;

"preparation", in relation to food, includes manufacture and any form of processing or treatment, and "preparation for sale" includes, subject to paragraph (3), packaging;

"presentation", in relation to food, includes the shape, appearance and packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising;

"proprietor", in relation to a food business, means the person by whom that business is carried on;

"public analyst" means a person appointed under Article 27(1);

[[F7]"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.**]**

[F3]"regulations". . . means regulations made by**[**[F4] the Department**]** subject to negative resolution;

[F8]"ship" includes any vessel, boat or craft, and a hovercraft within the meaning of the Hovercraft Act 1968, and "master" shall be construed accordingly;

"slaughter#house" means any premises used for the slaughtering of animals, the flesh of which is intended for human consumption;

[F9]"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

"substance" includes any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

"treatment", in relation to any food, includes subjecting it to heat or cold;

[F10]"veterinary drugs" has the same meaning as in section 132(1) of the Medicines Act 1968.

(3) The reference in paragraph (2) to preparing for sale shall be construed, in relation to any contact material, as a reference to manufacturing or producing for the purpose of sale.

(4) For the purposes of this Order—

(a) the supply of food, otherwise than on sale, in the course of a business; and

(b) any other thing which is done with respect to food and is specified in an order,

shall be deemed to be a sale of the food, and references to purchasers and purchasing shall be construed accordingly.

(5) For the purposes of this Order, any class or description may be framed by reference to any matters or circumstances whatever, including in particular, in the case of a description of food, the brand name under which it is commonly sold.

(6) The district of a district council which is bounded by or to seaward of the high#water mark of mean tides shall also include, for the purposes of this Order, the territorial waters of the United Kingdom which are outside that district adjacent to any place where that high#water mark is within or on the boundary of that district.

(7) The following Table shows provisions defining or otherwise explaining expressions used in this Order (other than provisions defining or explaining an expression used only in the same Article) —

emergency control order	Article 12(1)
emergency prohibition notice	Article 11(1)
emergency prohibition order	Article 11(2)
[[F7]food safety requirements Article 5**]**	Article 5(2)
improvement notice	Article 9
F7	F7
. . .	. . .
prohibition order	Article 10(5)
sale and related expressions	Articles 2(4) and 3
unfit for human consumption	Article 5(4)

F2 1954 c. 33 (NI)
F3 1996 NI 12
F4 1999 c. 28
F5 1979 c. 2
F6 SR 2004/482
F7 SR 2004/505
F8 1968 c. 59
F9 1954 c. 33 (NI)
F10 1968 c. 67

Modifications etc. (not altering text)

C1 Art. 2 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(a)**

C2 Art. 2(4) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(a)**

C3 Art. 2(4) applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(a)**

C4 Art. 2(4) applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(a)**

C5 Art. 2(4) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(a)** (with reg. 3)

C6 Art. 2(4) applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(1)(a)**

C7 Art. 2(4) applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(a)**

C8 Art. 2(4) applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(a)**

C9 Art. 2(4) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(a)**

C10 Art. 2(4) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(a)**

C11 Art. 2(4) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(a)**

C12 Art. 2(4) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(4)** (with reg. 5(2))

C13 Art. 2(4) applied (with modifications) (20.10.2010) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2010 (S.R. 2010/321), **reg. 20(1)(a)** (with reg. 3)

C14 Art. 2(4) applied with modifications (20.11.2012) by The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 (S.R. 2012/384), regs. 1, **26(1)(a)** (with reg. 3)

C15 Art. 2(4) applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C16 Art. 2(4) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C17 Art. 2(4) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C18 Art. 2(4) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C19 Art. 2(4) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C20 Art. 2(4) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C21 Art. 2(4) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C22 Art. 2(4) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C23 Art. 2(6) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(a)**

C24 Art. 2(6) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(a)**

C25 Art. 2(6) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(b)**

Application to food offered as prizes, etc. N.I.

3. This Order shall apply—

(a) in relation to any food which 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 the 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, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and

(c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in sub#paragraph (a) or (b), as if the food were, or had been, exposed for sale by the occupier of the premises;

and in this Article "entertainment" includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

Modifications etc. (not altering text)

C26 Art. 3 applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(a)**

C27 Art. 3 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(a)**

C28 Art. 3 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(a)** (with reg. 3)

C29 Art. 3 applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(1)(b)**

C30 Art. 3 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(b)**

C31 Art. 3 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(b)**

C32 Art. 3 applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(a)**

C33 Art. 3 applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(a)**

C34 Art. 3 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(a)**

C35 Art. 3 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(4)** (with reg. 5(2))

C36 Art. 3 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C37 Art. 3 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C38 Art. 3 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C39 Art. 3 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C40 Art. 3 applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C41 Art. 3 applied (with modifications) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C42 Arts. 3, 4 applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

Presumptions that food intended for human consumption N.I.

4. For the purposes of this Order—

(a) any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption;

(b) any food commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that food shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption;

(c) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption;

(d) any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Modifications etc. (not altering text)

C42 Arts. 3, 4 applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C43 mod. by SR 2004/487

C44 Art. 4 applied (30.6.2006) by Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/251), **reg. 21(1)(a)**

C45 Art. 4 applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(a)**

C46 Art. 4 applied (19.11.2006) by Plastic Materials and Articles in Contact with Food (No 2) Regulations (Northern Ireland) 2006 (S.R. 2006/420), **reg. 22(1)(a)**

C47 Art. 4 applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(b)**

C48 Art. 4 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(b)**

C49 Art. 4 applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(a)**

C50 Art. 4 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(b)**

C51 Art. 4 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(b)**

C52 Art. 4 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(b)**

C53 Art. 4 applied (with modifications) (5.11.2007) by Plastic Materials and Articles in Contact with Food (Lid Gaskets) Regulations (Northern Ireland) 2007 (S.R. 2007/419), **reg. 10(a)**

C54 Art. 4 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(b)** (with reg. 3)

C55 Art. 4 applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(3)**

C56 Art. 4 applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(a)**

C57 Art. 4 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C58 Art. 4 applied (5.5.2008) by Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2008 (S.R. 2008/167), **reg. 25(a)**

C59 Art. 4 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(c)**

C60 Art. 4 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(c)**

C61 Art. 4 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C62 Art. 4 applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(a)**

C63 Art. 4 applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(c)**

C64 Art. 4 applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(a)**

C65 Art. 4 applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(3)(a)**

C66 Art. 4 applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(3)(a)**

C67 Art. 4 applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(a)**

C68 Art. 4 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C69 Art. 4 applied (with modifications) (20.10.2010) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2010 (S.R. 2010/321), **reg. 20(3)** (with reg. 3)

C70 Art. 4 applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(a)**

C71 Art. 4 applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(3)(a)**

C72 Art. 4 applied (with modifications) (14.10.2011) by Poultrymeat Regulations (Northern Ireland) 2011 (S.R. 2011/315), **reg. 26(1)(a)(2)**

C73 Art. 4 applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(a)**

C74 Art. 4 applied with modifications (20.11.2012) by The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 (S.R. 2012/384), regs. 1, **26(3)** (with reg. 3)

C75 Art. 4 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt. 1 para. 1**

C76 Art. 4 applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(a)**

C77 Art. 4 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C78 Art. 4 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C79 Art. 4 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C80 Art. 4 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C81 Art. 4 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C82 Art. 4 applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C83 Art. 4 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C84 Art. 4 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C85 Art. 4 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(b)**

C86 Art. 4 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C87 Art. 4 applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C88 Art. 4 applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C89 Art. 4 applied (with modifications) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C90 Art. 4 applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

PART II N.I.

GENERAL PROVISIONS AS TO FOOD

Interpretation N.I.

Para. (1) rep. by SR 2004 No. 505

[[F11](2) For the purposes of this Part food fails to comply with food safety requirements if it is unsafe within the meaning of Article 14 of Regulation (EC) No. 178/2002 and references to food safety requirements or to food complying with such requirements shall be construed accordingly.

(3) In determining for the purposes of paragraph (2) and Article 6 whether any food is injurious to health, regard shall be had to the matters specified in sub-paragraphs (a) to (c) of Article 14(4) of Regulation 178/2002.**]**

Para. (3) rep. by SR 2004 No. 505

(4) For the purposes of this Part, subject to paragraph (5), any part of, or product derived wholly or partly from, an animal which has been slaughtered otherwise than in a slaughter#house, shall be deemed to be unfit for human consumption.

(5) In paragraph (4), "animal" has the same meaning as in the Slaughter of Animals Act (Northern Ireland) 1932[F12] and that paragraph shall not apply where accident, illness or emergency affecting the animal in question required it to be slaughtered as mentioned in that paragraph.

F11 SR 2004/505

F12 1932 c. 9 (NI)

Food safety

Rendering food injurious to health N.I.

6.—[[F13](1)**]** Any person who renders any food injurious to health by means of any of the following operations, namely—

(a) adding any article or substance to the food;

(b) using any article or substance as an ingredient in the preparation of the food;

(c) abstracting any constituent from the food; and

(d) subjecting the food to any other process or treatment,

with intent that it shall be sold for human consumption, shall be guilty of an offence.

[[F13](2) In determining for the purposes of this Article whether any food is injurious to health regard shall be had to the matters specified in sub-paragraph (a) to (c) of Article 14(4) of Regulation (EC) No. 178/2002.**]**

F13 SR 2004/505

Art. 7 rep. by SR 2004/505

Inspection and seizure of suspected food N.I.

[F14][F15]**8.**—(1) An authorised officer may at all reasonable times inspect any food intended for human consumption which—

(a) has been sold or is offered or exposed for sale;[F16]. . .

(b) 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;**[**[F16] or**]**

[[F16](c) is otherwise placed on the market for the purposes of Regulation (EC) No. 178/2002.**]**

and paragraphs (3) to (9) shall apply where, on such an inspection, it appears to the authorised officer that any food fails to comply with food safety requirements.

(2) The following provisions shall also apply where, otherwise than on such an inspection, it appears to an authorised officer that any food is likely to cause food poisoning or any disease communicable to human beings.

(3) The authorised officer may either—

(a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it—

(i) is not to be used for human consumption; and

(ii) either is not to be removed or is not to be removed except to some place specified in the notice; or

(b) seize the food and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under sub#paragraph (a) shall be guilty of an offence.

(4) Where the authorised officer gives notice under paragraph (3)(a), he shall, as soon as is reasonably practicable and in any event before the expiration of 21 days from the date of the notice, determine whether or not he is satisfied that the food complies with food safety requirements and—

(a) if he is so satisfied, shall forthwith withdraw the notice;

(b) if he is not so satisfied, shall seize the food and remove it in order to have it dealt with by a justice of the peace.

(5) Where an authorised officer seizes and removes food under paragraph (3)(b) or (4)(b), he shall inform the person in charge of the food of his intention to have it dealt with by a justice of the peace and—

(a) any person who under Article 6**[**[F16] or regulation **[**[F17]4(b)**]** of the General Food Regulations (Northern Ireland) 2004**]** might be liable to a prosecution in respect of the food shall, if he attends before the justice of the peace by whom the food falls to be dealt with, be entitled to be heard and to call witnesses;[F18]. . .

Sub#para. (b) rep. by 2003 NI 12

(6) If it appears to a justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that any food falling to be dealt with by him under this Article fails to comply with food safety requirements, he shall condemn the food and order—

(a) the food to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and

(b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.

(7) If a notice under paragraph (3)(a) is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this Article refuses to condemn it, the district council or, as the case may be,**[**[F19] the Food Standards Agency or**]** the Department of Agriculture shall compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(8) Any disputed question as to the right to or the amount of any compensation payable under paragraph (7) shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Head of**[**[F19] the Department**]**;[F20]. . .

(9) In this Article—

(a) any reference to an authorised officer includes a reference to **[**[F21] the Director of Public Health for Northern Ireland**]** ;

(b) in paragraph (7) the reference to the district council or, as the case may be,**[**[F19] the Food Standards Agency or**]** the Department of Agriculture includes, in relation to **[**[F21] the Director of Public Health for Northern Ireland**]**, **[**[F22]the Regional Agency for Public Health and Social Well-being**]**;

[F23](c) . . . . . .

F14 mod. by SR 1999/255; 261; 335; 336; 357; 360; 420; 422; 2000/72, 73; 2003/299

F15 mod. by SR 2004/385

F16 SR 2004/505

F17 Word in art. 8(5)(a) substituted (31.12.2013) by The Food Safety, Food Hygiene and Official Controls (Sprouting Seeds and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/291), regs. 1(1), **5**

F18 2002 c. 26

F19 1999 c. 28

F20 1996 c. 23

F21 Words in art. 8(9) substituted by S.I. 1991/194 (N.I. 1), art. 32(1A) (as substituted (1.4.2009) by virtue of Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 13(11)**; S.R. 2009/114, **art. 2**)

F22 Words in art. 8(9)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 150(a)** (with Sch. 4 para. 2); S.R. 2022/102, art. 2(b)

F23 Art. 8(9)(c) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 150(b)** (with Sch. 4 para. 2); S.R. 2022/102, art. 2(b)

Modifications etc. (not altering text)

C91 Art. 8 applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(2)** (with reg. 5(3))

C92 mod. by SR 2004/487

C93 Art. 8 applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(2)** (with reg. 5(3))

C94 Art. 8 applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(2)** (with reg. 5(3))

C95 Art. 8 applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(2)**

C96 Art. 8 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(2)** (subject to reg. 5(3))

C97 Art. 8 applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(2)** (with reg. 5(3))

C98 Art. 8 modified (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 6**

C99 Art. 8 applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(2)**

C100 Art. 8 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(2)**

C101 Art. 8 applied with modification(s) (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(3)**

C102 Art. 8 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(2), **Sch. 2 Pt. 2** (with reg. 5(4))

Improvement notices N.I.

9.—(1) If an authorised officer has reasonable grounds for believing that the proprietor of a food business is failing to comply with any regulations to which this Article applies, he may, by a notice served on that proprietor (an "improvement notice")—

(a) state the officer's grounds for believing that the proprietor is failing to comply with the regulations;

(b) specify the matters which constitute the proprietor's failure so to comply;

(c) specify the measures which, in the officer's opinion, the proprietor must take in order to secure compliance; and

(d) require the proprietor to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(2) Any person who fails to comply with an improvement notice shall be guilty of an offence.

(3) This Article and Article 10 apply to any regulations under this Part which make provision—

(a) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food; or

(b) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources.

Modifications etc. (not altering text)

C103 Art. 9 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, **4**

C104 Art. 9 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, **7**

C105 Art. 9 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), **17** (with reg. 22)

C106 Art. 9(1) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, **7(1)**

C107 Art. 9(1)(2) applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C108 Art. 9(1) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(1), **Sch. Pt. 1 para. 1**

C109 Art. 9(1)(2) applied (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, **33(1)** (with reg. 33(2)(3))

C110 Art. 9(1) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 33(1), **Sch. 12 Pt. 1**

C111 Art. 9(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, 5(1), **Sch. 2**

C112 Art. 9(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 para. 1**

C113 Art. 9(1) applied (with modifications) by S.R. 2012/384, reg. 26(1) (as substituted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), regs. 1, 12) (Amendment to earlier affecting provision S.R. 2012/384, Sch. 2 (29.11.2018) by S.R. 2018/186, reg. 12)

C114 Art. 9(1) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(1), **Sch. 2 Pt. 1** (with reg. 5(4))

C115 Art. 9(1)(2) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(1), **Sch. 3 Pt. 1**

C116 Art. 9(1)(2) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C117 Art. 9(1) applied (with modifications) (13.12.2016 for specified purposes) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(4)(b), 12, **Sch. 4 Pt. 1 para. 1** (as amended (1.10.2021) by The Food Information (Amendment No. 2) Regulations (Northern Ireland) 2020 (S.R. 2020/80), regs. 1, **2(9)**)

C118 Art. 9(2) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, **7(1)**

C119 Art. 9(2) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, **6(1)**, Sch. Pt. 1 para. 1

C120 Art. 9(2) applied (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, **5(1)**

C121 Art. 9(2) applied (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), regs. 1, **8(1)**

C122 Art. 9(2) applied by S.R. 2012/384, reg. 26(1) (as substituted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), regs. 1, **12**)

C123 Art. 9(2) applied (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, **5(1)** (with reg. 5(4))

Prohibition orders N.I.

10.—(1) If—

(a) the proprietor of a food business is convicted of an offence under any regulations to which this Article applies; and

(b) the court by or before which he is so convicted is satisfied that the health risk condition is fulfilled with respect to that business,

the court shall by an order impose the appropriate prohibition.

(2) The health risk condition is fulfilled with respect to any food business if any of the following involves risk of injury to health, namely—

(a) the use for the purposes of the business of any process or treatment;

(b) the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; and

(c) the state or condition of any premises or equipment used for the purposes of the business.

[[F24](2A) In paragraph (2) and in Articles 11(4) and 12(1) "injury" includes any impairment, whether permanent or temporary.**]**

(3) The appropriate prohibition is—

(a) in a case falling within paragraph (2)(a), a prohibition on the use of the process or treatment for the purposes of the business;

(b) in a case falling within paragraph (2)(b), a prohibition on the use of the premises or equipment for the purposes of the business or any other food business of the same class or description;60

(c) in a case falling within paragraph (2)(c), a prohibition on the use of the premises or equipment for the purposes of any food business.

(4) If—

(a) the proprietor of a food business is convicted of an offence under any regulations to which this Article applies by virtue of Article 9(3)(b); and

(b) the court by or before which he is so convicted thinks it proper to do so in all the circumstances of the case,

the court may, by order, impose a prohibition on the proprietor participating in the management of any food business, or any food business of a class or description specified in the order.

(5) As soon as practicable after the making of an order under paragraph (1) or (4) (a "prohibition order"), the district council or, as the case may be,**[**[F25] the Food Standards Agency or**]** the Department of Agriculture shall—

(a) serve a copy of the order on the proprietor of the business; and

(b) in the case of an order under paragraph (1), affix a copy of the order in a conspicuous position on such premises used for the purposes of the business as it considers appropriate;

and any person who knowingly contravenes such an order shall be guilty of an offence.

(6) A prohibition order shall cease to have effect—

(a) in the case of an order under paragraph (1), on the issue by the district council or, as the case may be,**[**[F25] the Food Standards Agency or**]** the Department of Agriculture of a certificate to the effect that it is satisfied that the proprietor has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business;

(b) in the case of an order under paragraph (4), on the giving by the court of a direction to that effect.

(7) The district council or, as the case may be,**[**[F25] the Food Standards Agency or**]** the Department of Agriculture shall issue a certificate under paragraph (6)(a) before the expiration of 3 days from being satisfied as mentioned in that sub#paragraph; and, on an application by the proprietor for such a certificate, shall—

(a) determine, as soon as is reasonably practicable and in any event before the expiration of 14 days from the making of the application, whether or not it is so satisfied; and

(b) if it determines that it is not so satisfied, give notice to the proprietor of the reasons for that determination.

(8) The court shall give a direction under paragraph (6)(b) if, on an application by the proprietor, the court thinks it proper to do so having regard to all the circumstances of the case, including in

particular the conduct of the proprietor since the making of the order; but no such application shall be entertained if it is made—

(a) before the expiration of 6 months from the making of the prohibition order; or

(b) before the expiration of 3 months from the making by the proprietor of a previous application for such a direction.

(9) Where a magistrates' court makes an order under Article 11 with respect to any food business, paragraph (1) of this Article shall apply as if the proprietor of the business had been convicted by the court of an offence under regulations to which this Article applies.

(10) Paragraph (4) shall apply in relation to a manager of a food business as it applies in relation to the proprietor of such a business; and any reference in paragraph (5) or (8) to the proprietor of the business, or to the proprietor, shall be construed accordingly.

(11) In paragraph (10) "manager", in relation to a food business, means any person who is entrusted by the proprietor with the day to day running of the business, or any part of the business.

F24 SR 2004/505
F25 1999 c. 28

Emergency prohibition notices and orders N.I.

11.—(1) If an authorised officer is satisfied that the health risk condition is fulfilled with respect to any food business, he may, by a notice served on the proprietor of the business (an "emergency prohibition notice"), impose the appropriate prohibition.

(2) If a magistrates' court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, the court shall, by order (an "emergency prohibition order"), impose the appropriate prohibition.

(3) An authorised officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the proprietor of the business of his intention to apply for the order.

(4) Paragraphs (2) and (3) of Article 10 shall apply for the purposes of this Article as they apply for the purposes of that Article, but as if the reference in paragraph (2) to risk of injury to health were a reference to imminent risk of such injury.

(5) As soon as practicable after the service of an emergency prohibition notice, the district council or, as the case may be,**[**[F26] the Food Standards Agency or**]** the Department of Agriculture shall affix a copy of the notice in a conspicuous position on such premises used for the purposes of the business as it considers appropriate; and any person who knowingly contravenes such a notice shall be guilty of an offence.

(6) As soon as practicable after the making of an emergency prohibition order, the district council or, as the case may be,**[**[F26] the Food Standards Agency or**]** the Department of Agriculture shall—

(a) serve a copy of the order on the proprietor of the business; and

(b) affix a copy of the order in a conspicuous position on such premises used for the purposes of that business as it considers appropriate;

and any person who knowingly contravenes such an order shall be guilty of an offence.

(7) An emergency prohibition notice shall cease to have effect—

(a) if no application for an emergency prohibition order is made before the expiration of the period of 3 days from the service of the notice, at the end of that period;

(b) if such an application is so made, on the determination or abandonment of the application.

(8) An emergency prohibition notice or emergency prohibition order shall cease to have effect on the issue by the district council or, as the case may be,**[**[F26] the Food Standards Agency or**]** the Department of Agriculture of a certificate to the effect that it is satisfied that the proprietor has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business.

(9) The district council or, as the case may be,**[**[F26] the Food Standards Agency or**]** the Department of Agriculture shall issue a certificate under paragraph (8) before the expiration of 3 days from being satisfied as mentioned in that paragraph; and, on an application by the proprietor for such a certificate, shall—

(a) determine, as soon as is reasonably practicable and in any event before the expiration of 14 days from the making of the application, whether or not it is so satisfied; and

(b) if it determines that it is not so satisfied, give notice to the proprietor of the reasons for that determination.

(10) Where an emergency prohibition notice is served on the proprietor of a business, the district council or, as the case may be,**[**[F26] the Food Standards Agency or**]** the Department of Agriculture shall compensate him in respect of any loss suffered by reason of his complying with the notice unless—

(a) an application for an emergency prohibition order is made before the expiration of 3 days from the service of the notice; and

(b) the court declares itself satisfied, on the hearing of the application, that the health risk condition was fulfilled with respect to the business at the time when the notice was served;

and any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Head of**[**[F26] the Department**]**;[F27]. . .

F26 1999 c. 28
F27 1996 c. 23

Emergency control orders N.I.

12.—(1) If it appears to**[**[F28] the Department**]** that the carrying out of commercial operations with respect to food, food sources or contact materials of any class or description involves or may involve imminent risk of injury to health,**[**[F28] the Department**]** may, by order (an "emergency control order"), prohibit the carrying out of such operations with respect to food, food sources or contact materials of that class or description.

(2) Any person who knowingly contravenes an emergency control order shall be guilty of an offence.

(3) **[**[F28]The Department**]****[**[F28] or the Food Standards Agency**]** may consent, either unconditionally or subject to any condition that**[**[F28] the authority giving the consent**]** considers appropriate, to the doing in a particular case of anything prohibited by an emergency control order.

(4) It shall be a defence for a person charged with an offence under paragraph (2) to show—

(a) that consent had been given under paragraph (3) to the contravention of the emergency control order; and

(b) that any condition subject to which that consent was given was complied with.

(5) **[**[F28]The Department**]****[**[F28] or the Food Standards Agency**]**

(a) may give such directions as appear to**[**[F28] the authority giving the directions**]** to be necessary or expedient for the purpose of preventing the carrying out of commercial

operations with respect to any food, food sources or contact materials which**[**[F28] the authority giving the directions**]** believes, on reasonable grounds, to be food, food sources or contact materials to which an emergency control order applies; and

(b) may do anything which appears to**[**[F28] the authority giving the directions**]** to be necessary or expedient for that purpose.

(6) Any person who fails to comply with a direction under this Article shall be guilty of an offence.

(7) If**[**[F28] the Department**][**[F28] or the Food Standards Agency**]** does anything by virtue of this Article in consequence of any person failing to comply with an emergency control order or a direction under this Article,**[**[F28] that authority**]** may recover from that person any expenses reasonably incurred by**[**[F28] that authority**]** under this Article.
Para. (8) rep. by 1996 NI 12

F28 1999 c. 28

Consumer protection

Selling food not of the nature or substance or quality demanded N.I.

13.—(1) Any person who sells to the purchaser's prejudice any food which is not of the nature or substance or quality demanded by the purchaser shall be guilty of an offence.

(2) In paragraph (1) the reference to sale shall be construed as a reference to sale for human consumption; and in proceedings under that paragraph it shall not be a defence that the purchaser was not prejudiced because he bought for analysis or examination.

Falsely describing or presenting food N.I.

14.—(1) Any person who gives with any food sold by him, or displays with any food offered or exposed by him for sale or in his possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which—

(a) falsely describes the food; or

(b) is likely to mislead as to the nature or substance or quality of the food,

shall be guilty of an offence.

(2) Any person who publishes, or is a party to the publication of, an advertisement (not being such a label given or displayed by him as mentioned in paragraph (1)) which—

(a) falsely describes any food; or

(b) is likely to mislead as to the nature or substance or quality of any food,

shall be guilty of an offence.

(3) Any person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any food the presentation of which is likely to mislead as to the nature or substance or quality of the food shall be guilty of an offence.

(4) In proceedings for an offence under paragraph (1) or (2), the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.

(5) In this Article references to sale shall be construed as references to sale for human consumption.

Regulations

Food safety and consumer protection N.I.

15.—(1) Regulations may make—

(a) provision for requiring, prohibiting or regulating the presence in food or food sources of any specified substance, or any substance of any specified class, and generally for regulating the composition of food;

(b) provision for securing that food is fit for human consumption and meets such microbiological standards (whether going to the fitness of the food or otherwise) as may be specified by or under the regulations;

(c) provision for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food;

(d) provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources;

(e) provision for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking, presenting or advertising of food, and the descriptions which may be applied to food; and

(f) such other provision with respect to food or foodsources, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food or food sources, as appears to**[**[F29] the Department**]** to be necessary or expedient—

(i) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or

(ii) for the purpose of protecting or promoting the interests of consumers.

(2) Regulations may also make provision—

(a) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to contact materials which are intended to come into contact with food intended for human consumption;

(b) for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking or advertising of such materials, and the descriptions which may be applied to them; and

(c) otherwise for prohibiting or regulating the carrying out of commercial operations with respect to such materials.

(3) Without prejudice to the generality of paragraph (1), regulations under that paragraph may make any such provision as is mentioned in Schedule 1.

(4) In making regulations under paragraph (1),**[**[F29] the Department**]** shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.

(5) In paragraph (1) and Schedule 1—

(a) references to food shall be construed as references to food intended for sale for human consumption; and

(b) references to food sources shall be construed as references to food sources from which such food is intended to be derived.

F29 1999 c. 28

Enforcement of Community provisions N.I.

16.—(1) Regulations may make such provision with respect to food, food sources or contact materials, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food, food sources or contact materials, as appears to**[**F30 the Department**]** to be called for by any Community obligation.

(2) As respects any directly applicable Community provision which relates to food, food sources or contact materials and for which, in the opinion of**[**F30 the Department**]**, it is appropriate to provide under this Order, regulations may—

(a) make such provision as**[**F30 the Department**]** considers necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Order; and

(b) apply such of the provisions of this Order as may be specified in the regulations in relation to the Community provision with such modifications, if any, as may be so specified.

(3) In paragraphs (1) and (2) references to food or food sources shall be construed in accordance with Article 15(5).

F30 1999 c. 28

Special provisions for particular foods, etc. N.I.

17.—(1) Regulations may make provision—

(a) for prohibiting the carrying out of commercial operations with respect to novel foods or food sources from which such foods are intended to be derived of any class specified in the regulations;**[**F31. . .

(b) for prohibiting the carrying out of such operations with respect to genetically modified food sources, or foods derived from such food sources, of any class so specified;**[**F31 or**]**

[F31(c) for prohibiting the importation of any food of a class so specified,**]**

and**[**F31 (in each case)**]** for excluding from the prohibition any food or food source which is of a description specified by or under the regulations**[**F31 and in the case of a prohibition on importation, is imported at an authorised place of entry**]**.

(2) Regulations may also—

(a) prescribe, in relation to milk of any description which complies with such requirements as may be prescribed, such designation as**[**F32 the Department**]** considers appropriate;

(b) prohibit—

(i) all sales by retail; or

(ii) use, or possession for use, for the purposes of a business,

of milk, unless the milk is of a description to which a designation has been prescribed under sub#paragraph (a) and complies with the requirements of milk of that designation;

(c) make provision for—

(i) the issue of milk licences;

(ii) the authorisation of the sale of milk produced by the holder of a milk licence in any area where no milk of a description prescribed under sub#paragraph (a) is available; and

(iii) the imposition of conditions subject to which such a sale may be made.

[[F31](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.**]**

(3) For the purposes of this Article a food source is genetically modified if any of the genes or other genetic material in the food source—

(a) has been modified by means of an artificial technique; or

(b) is inherited or otherwise derived through any number of replications, from genetic material which was so modified;

and in this paragraph "artificial technique" does not include any technique which involves no more than, or no more than the assistance of, naturally occurring processes of reproduction (including selective breeding techniques or in vitro fertilisation).

F31 1996 NI 12
F32 1999 c. 28

Registration and licensing of food premises N.I.

18.—(1) Regulations may make provision—

(a) for the registration by district councils**[**[F33] or, as the case may be,**[**[F34] the Food Standards Agency or**]** the Department of Agriculture**]** of premises used or proposed to be used for the purposes of a food business, and for prohibiting the use for those purposes of any premises which are not registered in accordance with the regulations; or

(b) subject to paragraph (2), for the issue by district councils or, as the case may be, the Department of Agriculture of licences in respect of the use of premises for the purposes of a food business, and for prohibiting the use for those purposes of any premises except in accordance with a licence issued under the regulations.

(2) **[**[F34]The Department**]** shall exercise the power conferred by paragraph (1)(b) only where it appears to**[**[F34] the Department**]** to be necessary or expedient to do so—

(a) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or

(b) for the purpose of protecting or promoting the interests of consumers.

F33 1996 NI 12
F34 1999 c. 28

Defences, etc.

Offences due to fault of another person N.I.

[F35]**19.** Where the commission by any person of an offence under any of the preceding provisions of this Part is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this Article whether or not proceedings are taken against the first#mentioned person.

F35 mod. by SR 2005/284

Modifications etc. (not altering text)

C124 Art. 19 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(a)**;
Art. 19 applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(b)**;
Art. 19 applied (with modifications) (18.10.2006) by Curd Cheese (Restrictions on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(a)**;
Art. 19 applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(a)**

C125 mod. by SR 2004/487

C126 Art. 19 applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(c)**

C127 Art. 19 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(c)**

C128 Art. 19 applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(b)**

C129 Art. 19 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(c)**

C130 Art. 19 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(c)**

C131 Art. 19 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(c)**

C132 Art. 19 applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(a)**

C133 Art. 19 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(c)** (with reg. 3)

C134 Art. 19 applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(b)**

C135 Art. 19 applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(a)**

C136 Art. 19 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C137 Art. 19 applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(a)**

C138 Art. 19 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(d)**

C139 Art. 19 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(d)**

C140 Art. 19 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C141 Art. 19 applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(b)**

C142 Art. 19 applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(d)**

C143 Art. 19 applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(b)**

C144 Art. 19 applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(a)**

C145 Art. 19 applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(b)**

C146 Art. 19 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(b)**

C147 Art. 19 applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(b)**

C148 Art. 19 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C149 Art. 19 applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(b)**

C150 Art. 19 applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(a)**

C151 Art. 19 applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(a)**

C152 Art. 19 applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(b)**

C153 Art. 19 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt. 1 para. 1**

C154 Art. 19 applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(b)**

C155 Art. 19 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C156 Art. 19 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C157 Art. 19 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C158 Art. 19 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C159 Art. 19 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C160 Art. 19 applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C161 Art. 19 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C162 Art. 19 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C163 Art. 19 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(c)**

C164 Art. 19 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C165 Art. 19 applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C166 Art. 19 applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C167 Art. 19 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C168 Art. 19 applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C169 Art. 19 applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

Defence of due diligence N.I.

20.—(1) In any proceedings for an offence under any of the preceding provisions of this Part, it shall, subject to paragraph (5), be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) Without prejudice to the generality of paragraph (1), a person charged with an offence under**[**[F36] Article 13 or 14**]** who neither—

(a) prepared the food in respect of which the offence is alleged to have been committed; nor

(b) imported it into Northern Ireland,

shall be taken to have established the defence provided by that paragraph if he satisfies the requirements of paragraph (3) or (4).

(3) A person satisfies the requirements of this paragraph if he proves—

(a) that the commission of the offence was due to an act or default of another person who was not under his control, or to reliance on information supplied by such a person;

(b) that he carried out all such checks of the food in question as were reasonable in all the circumstances, or that it was reasonable in all the circumstances for him to rely on checks carried out by the person who supplied the food to him; and

(c) that he did not know and had no reason to suspect at the time of the commission of the alleged offence that his act or omission would amount to an offence under the relevant provision.

(4) A person satisfies the requirements of this paragraph if he proves—

(a) that the commission of the offence was due to an act or default of another person who was not under his control, or to reliance on information supplied by such a person;

(b) that the sale or intended sale of which the alleged offence consisted was not a sale or intended sale under his name or mark; and

(c) that he did not know, and could not reasonably have been expected to know, at the time of the commission of the alleged offence that his act or omission would amount to an offence under the relevant provision.

(5) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless—

(a) at least 7 clear days before the hearing; and

(b) where he has previously appeared before a court in connection with the alleged offence, before the expiration of one month from his first such appearance,

he has served on the prosecution a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(6) In paragraph (5) any reference to appearing before a court shall be construed as including a reference to being brought before a court.

F36 SR 2004/505

Modifications etc. (not altering text)

C170 Art. 20 applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(c)**;
Art. 20 applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(b)**;
Art. 20 applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(b)**

C171 mod. by SR 2004/487

C172 Art. 20 applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(d)**

C173 Art. 20 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(d)**

C174 Art. 20 applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(c)**

C175 Art. 20 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(d)**

C176 Art. 20 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(d)**

C177 Art. 20 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(d)**

C178 Art. 20 applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(b)**

C179 Art. 20 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(d)** (with reg. 3)

C180 Art. 20 applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(c)**

C181 Art. 20 applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(b)**

C182 Art. 20 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C183 Art. 20 applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(b)**

C184 Art. 20 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(e)**

C185 Art. 20 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(e)**

C186 Art. 20 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C187 Art. 20 applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(c)**

C188 Art. 20 applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(e)**

C189 Art. 20 applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(c)**

C190 Art. 20 applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(b)**

C191 Art. 20 applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(c)**

C192 Art. 20 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(c)**

C193 Art. 20 applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(c)**

C194 Art. 20 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C195 Art. 20 applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(c)**

C196 Art. 20 applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(b)**

C197 Art. 20 applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(b)**

C198 Art. 20 applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(c)**

C199 Art. 20 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt. 1 para. 1**

C200 Art. 20 applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(c)**

C201 Art. 20 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C202 Art. 20 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C203 Art. 20 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C204 Art. 20 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C205 Art. 20 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C206 Art. 20(1) applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(b)**

C207 Art. 20(1) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C208 Art. 20(1)(5) applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C209 Art. 20(1) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C210 Art. 20(1) applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(d)**

C211 Art. 20(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C212 Art. 20(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C213 Art. 20(1) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C214 Art. 20(1) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C215 Art. 20(1) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C216 Art. 20(1) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C217 Art. 20(2) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C218 Art. 20(5) applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(b)**

C219 Art. 20(5) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C220 Art. 20(5)(6) applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(d)**

C221 Art. 20(5) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C222 Art. 20(5) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C223 Art. 20(5) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C224 Art. 20(5) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C225 Art. 20(6) applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(b)**

Defence of publication in the course of business N.I.

21. In proceedings for an offence under any of the preceding provisions of this Part consisting of the advertisement for sale of any food, it shall be a defence for the person charged to prove—

(a) that he is a person whose business it is to publish or arrange for the publication of advertisements; and

(b) that he received the advertisement in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that provision.

Modifications etc. (not altering text)

C226 Art. 21 applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(e)**

C227 Art. 21 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(e)**

C228 Art. 21 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(e)**

C229 Art. 21 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(e)** (with reg. 3)

C230 Art. 21 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(f)**

C231 Art. 21 applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(d)**

C232 Art. 21 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C233 Art. 21 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(e)**

C234 Art. 21 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

Miscellaneous and supplemental

Provision of food hygiene training N.I.

22.—(1) **[**[F37]The Department of Agriculture or as the case may be,**[**[F38] the Food Standards Agency or**]** a district council (whether within or outside its district) may provide**]** training courses in food hygiene for persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise.

Para. (2) rep. by 1996 NI 12

(3) A district council or, as the case may be, that Department may contribute towards the expenses incurred under this Article by any other council or, as the case may be, that Department, or towards expenses incurred by any other person in providing, such courses as are mentioned in paragraph (1)[F37]. . . .

F37 1996 NI 12
F38 1999 c. 28

Provision of facilities for cleansing shellfish N.I.

23.—(1) A district council may provide, whether within or outside its district, tanks or other apparatus for cleansing shellfish.

(2) A district council may contribute towards the expenses incurred under this Article by any other council, or towards expenses incurred by any other person in providing, and making available to the public, tanks or other apparatus for cleansing shellfish.

(3) Nothing in this Article shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high#water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may before the work is commenced be approved by the Department of the Environment.

(4) In this Article "cleansing", in relation to shellfish, includes subjecting them to any germicidal treatment.

Art. 24 rep. by 1999 c.28

Regulations and orders: supplementary provisions N.I.

25.—(1) Regulations under this Part may—

(a) make provision for prohibiting or regulating the carrying out of commercial operations with respect to any food, food source or contact material—

(i) which fails to comply with the regulations; or

(ii) in relation to which an offence against the regulations has been committed, or would have been committed if any relevant act or omission had taken place in Northern Ireland; and

(b) without prejudice to the generality of Article 8, provide that any food which, in accordance with the regulations, is certified as being such food as is mentioned in sub#paragraph (a) may be treated for the purposes of that Article as failing to comply with food safety requirements.

(2) Regulations under this Part may also—

(a) require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns;

(b) prescribe the particulars to be entered on any register required to be kept in accordance with the regulations;

(c) require any such register to be open to inspection by the public at all reasonable times and, subject to that, authorise it to be kept by means of a computer;

(d) prescribe the periods for which and the conditions subject to which licences may be issued, and provide for the subsequent alteration of conditions and for the cancellation, suspension or revocation of licences;

(e) provide for an appeal to a magistrates' court against any decision of a district council**[**[F39],the Food Standards Agency**]** or the Department of Agriculture or of an authorised officer.

(3) Regulations under this Part[F39]. . . may—

(a) provide that an offence under the regulations[F39]. . . shall be punishable on summary conviction or on indictment or in either one way or the other; and

(b) include provisions under which a person guilty of such an offence shall be liable to such penalties (not exceeding those which may be imposed in respect of offences under this Order) as may be specified in the regulations[F39]. . . .

F39 1999 c. 28

PART III N.I.

ADMINISTRATION AND ENFORCEMENT

Administration

Enforcement of this Order N.I.

26.—**[**[F40](1) Subject to**[**[F41] paragraphs (1A) and (1B)**]**, 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.**]**

[[F41](1B) The Food Standards Agency shall enforce and execute such provisions of this Order as may be specified by order.**]**

(2) **[**[F40]The**][**[F41] Department**]** may direct, in relation to cases of a particular description or a particular case, that any duty imposed on district councils by paragraph (1) shall be discharged by**[**[F40]**[**[F41] the Department, the Department of Agriculture or the Food Standards Agency**]** or any person who is generally or specially authorised in writing by**[**[F41] the Department, the Department of Agriculture or the Food Standards Agency**]]** and not by those councils.

(3) Regulations or orders shall specify which authorities are to enforce and execute them, either generally or in relation to cases of a particular description or a particular area, and any such regulations or orders may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations or orders, or of any provisions of this Order, to any other authority so concerned, for the purposes of their respective duties under them.

[[F41](3A) Regulations or orders under paragraph (3) may specify the Food Standards Agency as an authority to enforce and execute them and references in that paragraph to any authority concerned include references to the Food Standards Agency.**]**

(4) The[F41 Department] may take over the conduct of any[F40]. . . proceedings which have been instituted by a district council[F41 or may direct the Food Standards Agency to do so][F40 under any provisions of this Order or any regulations or orders made under it].

[F41(4A) The Food Standards Agency may take over the conduct of any such proceedings but (unless the Agency has been directed to do so under paragraph (4)) only with the consent of the district council which instituted them.]
Para. (5) rep. by 1996 NI 12

F40 1996 NI 12
F41 1999 c. 28

Appointment of public and other analysts N.I.

27.—(1) Every district council shall appoint in accordance with this Article one or more than one person ("public analysts") to act as analysts within the district of the council for the purposes of the functions conferred on district councils by this Order.

(2) A person shall not be appointed as a public analyst unless he possesses—

(a) such qualifications as may be prescirbed by regulations; or

(b) such other qualifications as the Department may approve.

(3) A person who is engaged directly or indirectly in any food business which is carried on in any district shall not be appointed public analyst for that district.

(4) A district council shall pay to a public analyst such remuneration as may be agreed upon by the council and the analyst, and that remuneration may be expressed to be payable—

(a) in addition to any fees received by him under this Part; or

(b) on condition that any fees so received by him are paid over by him to the council.

(5) A district council which appoints only one public analyst may appoint also a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and the provisions of paragraphs (2) to (4) shall apply in relation to a deputy public analyst as they apply in relation to a public analyst.

(6) The Department of Agriculture may appoint one or more than one person to act as analysts for the purposes of the functions[F42 of that Department under] this Order; and the provisions of paragraphs (2), (4) and (5) shall apply to an analyst appointed by that Department under this paragraph as they apply to a public analyst appointed by a district council under paragraph (1) with the following modifications—
Sub#para. (a) rep. by 1999 c. 28

(b) in paragraphs (4) and (5) for any reference to a district council there shall be substituted a reference to the Department of Agriculture.

F42 1996 NI 12

Provision of facilities for examinations N.I.

28. A district council may provide facilities for examinations for the purposes of this Order.

Sampling and analysis, etc.

Procurement of samples N.I.

[F43]**29.** An authorised officer may—

(a) purchase a sample of any food, or any substance capable of being used in the preparation of food;

(b) take a sample of any food, or any such substance, which—

(i) appears to him to be intended for sale, or to have been sold, for human consumption; or

[F44](ii) is found by him on or in any premises which he is authorised to enter by or under Article 33;

[F44](c) take a sample from any food source, or a sample of any contact material, which is found by him on or in any such premises;

[F44](d) take a sample of any article or substance which is found by him on or in any such premises and which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Order or of regulations or orders made under it.

F43 mod. by SR 2002/140, 141, 226, 293, 307; 2003/299, 353, 360, 362, 377
F44 mod. by SR 2005/284

Modifications etc. (not altering text)

C235 mod. by SR 2004/487
C236 Art. 29 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**
C237 Art. 29 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**
C238 Art. 29 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(5)**
C239 Art. 29 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**
C240 Art. 29 applied (with modifications) (14.10.2011) by Poultrymeat Regulations (Northern Ireland) 2011 (S.R. 2011/315), **reg. 26(1)(b)(2)**
C241 Art. 29 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt. 1 para. 1**
C242 Art. 29 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**
C243 Art. 29 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**
C244 Art. 29 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table
C245 Art. 29 applied with modification(s) (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(4)**
C246 Art. 29 applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**
C247 Art. 29(b)(ii) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

Analysis, etc., of samples procured by authorised officer of a district council N.I.

30.—[F45](1) An authorised officer of a district council who has procured a sample under Article 29 shall—

(a) if he considers that the sample should be analysed, submit it to be analysed either—

(i) by the public analyst for the district in which the sample was procured; or

(ii) by the public analyst for the district which consists of or includes the district of the council;

(b) if he considers that the sample should be examined, submit it to be examined by a food examiner.

(2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it—

(a) to be analysed by the public analyst for the district in which the purchase was made; or

(b) to be examined by a food examiner.

(3) If, in any case where a sample is proposed to be submitted for analysis under this Article, the office of public analyst for the district in question is vacant, the sample shall be submitted to the public analyst for some other district.

(4) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this Article, the food analyst or examiner determines that he is for any reason unable to perform the analysis or examination, the sample shall be submitted or, as the case may be, sent by him to such other food analyst or examiner as he may determine.

(5) A food analyst or examiner shall analyse or examine as soon as practicable any sample submitted or sent to him under this Article, but may, except where—

(a) he is the public analyst for the district in question; and

(b) the sample is submitted to him for analysis by an authorised officer of a district council,

demand in advance the payment of such reasonable fee as he may require.

(6) A food analyst or examiner who has analysed or examined a sample shall give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.

(7) Any certificate given by a food analyst or examiner under paragraph (6) shall be signed by him, but the analysis or examination may be made by any person acting under his direction.

(8) In any proceedings under this Order, the production by one of the parties—

(a) of a document purporting to be a certificate given by a food analyst or examiner under paragraph (6); or

(b) of a document supplied to him by the other party as being a copy of such a certificate,

shall be sufficient evidence of the facts stated in it unless, in a case falling within sub#paragraph (a), the other party requires that the food analyst or examiner shall be called as a witness.

(9) In this Article—

"food analyst" means a public analyst or any other person who possesses the requisite qualifications to carry out analyses for the purposes of this Order;

"food examiner" means any person who possesses the requisite qualifications to carry out examinations for the purposes of this Order;

"the requisite qualifications" means such qualifications as may be prescribed by regulations, or such other qualifications as the Department may approve;

"sample", in relation to an authorised officer of a district council, includes any part of a sample retained by him in pursuance of regulations under Article 32;

and where 2 or more than 2 public analysts are appointed for any district, any reference in this Article to the public analyst for that district shall be construed as a reference to either or any of them.

F45 mod. by SR 2005/284

Modifications etc. (not altering text)

C248 Art. 30 applied (19.11.2006) by Plastic Materials and Articles in Contact with Food (No 2) Regulations (Northern Ireland) 2006 (S.R. 2006/420), **reg. 19(3)(d)**

C249 Art. 30 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 17(7)** (with reg. 3)

C250 Art. 30 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(d)**

C251 Arts. 30 31 applied with modification(s) (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(5)**

C252 Art. 30(8) applied (30.6.2006) by Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/251), **reg. 21(1)(b)**;
Art. 30(8) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(d)**;
Art. 30(8) applied (19.11.2006) by Plastic Materials and Articles in Contact with Food (No 2) Regulations (Northern Ireland) 2006 (S.R. 2006/420), **reg. 22(1)(b)**

C253 mod. by SR 2004/487

C254 Art. 30(8) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(f)**

C255 Art. 30(8) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(e)**

C256 Art. 30(8) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(d)**

C257 Art. 30(8) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(e)**

C258 Art. 30(8) applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(f)**

C259 Art. 30(8) applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(f)**

C260 Art. 30(8) applied (with modifications) (5.11.2007) by Plastic Materials and Articles in Contact with Food (Lid Gaskets) Regulations (Northern Ireland) 2007 (S.R. 2007/419), **reg. 10(b)**

C261 Art. 30(8) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(f)** (with reg. 3)

C262 Art. 30(8) applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(1)(c)**

C263 Art. 30(8) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(d)**

C264 Art. 30(8) applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C265 Art. 30(8) applied (5.5.2008) by Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2008 (S.R. 2008/167), **reg. 25(b)**

C266 Art. 30(8) applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(f)**

C267 Art. 30(8) applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(g)**

C268 Art. 30(8) applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C269 Art. 30(8) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(d)**

C270 Art. 30(8) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(f)**

C271 Art. 30(8) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(d)**

C272 Art. 30(8) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(c)**

C273 Art. 30(8) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(e)**

C274 Art. 30(8) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(d)**

C275 Art. 30(8) applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C276 Art. 30(8) applied (with modifications) (20.10.2010) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2010 (S.R. 2010/321), **reg. 20(1)(b)** (with reg. 3)

C277 Art. 30(8) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(d)**

C278 Art. 30(8) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(c)**

C279 Art. 30(8) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(c)**

C280 Art. 30(8) applied (with modifications) (14.10.2011) by Poultrymeat Regulations (Northern Ireland) 2011 (S.R. 2011/315), **reg. 26(1)(c)(2)**

C281 Art. 30(8) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(d)**

C282 Art. 30(8) applied with modifications (20.11.2012) by The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 (S.R. 2012/384), regs. 1, **26(1)(b)** (with reg. 3)

C283 Art. 30(8) applied (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**

C284 Art. 30(8) applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C285 Art. 30(8) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(d)**

C286 Art. 30(8) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C287 Art. 30(8) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C288 Art. 30(8) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C289 Art. 30(8) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C290 Art. 30(8) applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C291 Art. 30(8) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C292 Art. 30(8) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C293 Art. 30(8) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C294 Art. 30(8) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C295 Art. 30(8) applied (with modifications) by S.R. 2012/384, Sch 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C296 Art. 30(8) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C297 Art. 30(8) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C298 Art. 30(8) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

Analysis, etc., of samples procured by authorised officer of the Department of Agriculture N.I.

31.—(1) An authorised officer of the Department of Agriculture who has procured a sample under Article 29 may—

(a) if he considers that the sample should be analysed by an analyst appointed under Article 27(6), submit it to be so analysed;

(b) if he considers that the sample should be examined by a food examiner, submit it to be so examined.

[[F46](1A) An authorised officer of the Food Standards Agency who has procured a sample under Article 29 may—

(a) if he considers that the sample should be analysed by a public analyst or a food analyst, submit it to be so analysed;

(b) if he considers that the sample should be examined by a food examiner, submit it to be so examined,

and for the purposes of this paragraph references in Article 27(1) and (6) to functions conferred on district councils or to the functions of the Department of Agriculture include references to functions of the Food Standards Agency.**]**

(2) Paragraphs (4) to (8) of Article 30 shall apply for the purpose of the analysis or examination of a sample submitted under paragraph (1)**[**[F46] or (1A)**]** of this Article as they apply for the purpose of the analysis or examination of a sample submitted under paragraph (1) of Article 30.

(3) For the purposes of this Article—

"food analyst" means an analyst appointed under Article 27(6) or any other person who possesses the requisite qualifications to carry out analyses for the purposes of this Order;

"food examiner" means any person who possesses the requisite qualifications to carry out examinations for the purposes of this Order;

"the requisite qualifications" means such qualifications as may be prescribed by regulations, or such other qualifications as the**[**[F46] Department**]** may approve;

"sample", in relation to an authorised officer of the Department of Agriculture**[**[F46] or the Food Standards Agency**]**, includes any part of a sample retained by him in pursuance of regulations under Article 32.

F46 1999 c. 28

Modifications etc. (not altering text)

C251 Arts. 30 31 applied with modification(s) (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(5)**

Regulation of sampling and analysis, etc. N.I.

32.—(1) Regulations may make provision for supplementing or modifying the provisions of Articles 29 to 31.

(2) Without prejudice to the generality of paragraph (1), regulations made under that paragraph may make provision with respect to—

(a) the matters to be taken into account in determining whether, and at what times, samples should be procured;

(b) the manner of procuring samples, including the steps to be taken in order to ensure that any samples procured are fair samples;

(c) the method of dealing with samples, including (where appropriate) their division into parts;

(d) the persons to whom parts of samples are to be given and the persons by whom such parts are to be retained;

(e) the notices which are to be given to, and the information which is to be furnished by, the persons in charge of any food, substance, contact material or food source of or from which samples are procured;

(f) the methods which are to be used in analysing or examining samples, or parts of samples, or in classifying the results of analyses or examinations;

(g) the circumstances in which a food analyst or examiner is to be precluded, by reason of a conflict of interest, from analysing or examining a particular sample or part of a sample; and

(h) the circumstances in which samples, or parts of samples, are to be or may be submitted for analysis or examination—

(i) to the Government Chemist, or to such other food analyst or examiner as he may direct; or

(ii) to a person determined by or under the regulations.

Powers of entry and obstruction, etc.

Powers of entry N.I.

33.—(1) An authorised officer shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

(a) to enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Order, or of regulations or orders made under it; and

(b) to enter any premises for the purpose of the performance by the district council or, as the case may be,**[**[F47] the Food Standards Agency or**]** the Department of Agriculture of its functions under this Order; and

(c) in the case of an authorised officer of a district council, to enter any business premises outside the council's district for the purpose of ascertaining whether there is on the

premises any evidence of any contravention within that district of any of the provisions of this Order or of regulations or orders made under it.

(2) Admission to any premises used only as a private dwelling#house shall not be demanded under paragraph (1) as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn complaint in writing, is satisfied that there is reasonable ground for entry into any premises for any purpose mentioned in paragraph (1) and either—

(a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this Article shall continue in force for a period of one month.

(5) An authorised officer entering any premises by virtue of this Article, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) An authorised officer entering premises by virtue of this Article, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are**[**[F48] stored in any electronic form**]**

(a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and

(b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(7) Any officer exercising any power conferred by paragraph (6) may—

(a) seize and detain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Order or of regulations or orders made under it; and

(b) where the records are**[**[F48] stored in any electronic form**]**, may require the records to be produced in a form in which they may be taken away.

(8) If any person who enters any premises by virtue of this Article, or of a warrant issued under it, discloses to any person any information obtained by him in the premises with regard to any trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(9) Nothing in this Order authorises any person, except with the permission of the Department of Agriculture under the Diseases of Animals (Northern Ireland) Order 1981[F49] , to enter any premises—

(a) in which there is kept an animal or bird affected or, with good reason, suspected of being affected with any disease to which that Order of 1981 applies; and

(b) which is situated in a place declared under that Order of 1981 to be infected with such a disease.

F47 1999 c. 28
F48 2001 c. 16

F49 1981 NI 22

Modifications etc. (not altering text)

C299 Art. 33 applied (with modifications) (18.10.2006) by Curd Cheese (Restrictions on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(c)**;
Art. 33 applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(c)**

C300 Art. 33 applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(c)**

C301 Art. 33 applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(c)**

C302 Art. 33 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C303 Art. 33 applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(c)**

C304 Art. 33 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C305 Art. 33 applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(2)**

C306 Art. 33 applied (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(2)**

C307 Art. 33 applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(e)**

C308 Art. 33 applied (with modifications) (20.10.2010) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2010 (S.R. 2010/321), **reg. 20(2)** (with reg. 3)

C309 Art. 33 applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(2)**

C310 Art. 33 applied with modifications (20.11.2012) by The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 (S.R. 2012/384), regs. 1, **26(2)** (with reg. 3)

C311 Art. 33 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**

C312 Art. 33 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C313 Art. 33 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(2), **Sch. Pt. 2 para. 1(a)(b)**

C314 Art. 33 applied with modification(s) (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(6)**

C315 Art. 33 applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C316 Art. 33 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C317 Art. 33(1) modified (30.6.2006) by Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/251), **reg. 21(2)**

C318 Art. 33(1) applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(2)**

C319 Art. 33(1) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(2)**

C320 Art. 33(1) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 para. 1**

C321 Art. 33(1) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(1), **Sch. 12 Pt. 2**

C322 Art. 33(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, 5(2), **Sch. 2**

C323 Art. 33(2)-(9) applied (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, **5(2)**

Obstruction, etc., of officers N.I.

34.—[F50](1) Any person who—

(a) intentionally obstructs any person acting in the execution of this Order; or

(b) without reasonable cause, fails to give to any person acting in the execution of this Order any assistance or information which that person may reasonably require of him for the performance of his functions under this Order,

shall be guilty of an offence.

[F50](2) Any person who, in purported compliance with any such requirement as is mentioned in paragraph (1)(b)—

(a) furnishes information which he knows to be false or misleading in a material particular; or

(b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(3) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

F50 mod. by SR 2005/284

Modifications etc. (not altering text)

C324 Art. 34 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(c)**

C325 Art. 34 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(f)**

C326 Art. 34 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(g)**

C327 Art. 34 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(h)**

C328 Art. 34 applied (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**

C329 Art. 34 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C330 Art. 34 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C331 Art. 34 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C332 Art. 34 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C333 Art. 34 applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C334 Art. 34 applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C335 Art. 34 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C336 Art. 34 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C337 Art. 34 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(f)**

C338 Art. 34 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C339 Art. 34(1) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(e)**;
Art. 34(1) applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(d)**;
Art. 34(1) applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(d)**

C340 mod. by SR 2004/487

C341 Art. 34(1) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(g)**

C342 Art. 34(1) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(e)**

C343 Art. 34(1) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(f)**

C344 Art. 34(1) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(d)**

C345 Art. 34(1) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(g)** (with reg. 3)

C346 Art. 34(1) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(e)**

C347 Art. 34(1) applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(d)**

C348 Art. 34(1) applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(d)**

C349 Art. 34(1) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(e)**

C350 Art. 34(1) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(g)**

C351 Art. 34(1) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(e)**

C352 Art. 34(1) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(3)(b)**

C353 Art. 34(1) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(3)(b)**

C354 Art. 34(1) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(f)**

C355 Art. 34(1) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(e)**

C356 Art. 34(1) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(e)**

C357 Art. 34(1) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(3)(b)**

C358 Art. 34(1) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(3)(a)**

C359 Art. 34(1) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(e)**

C360 Art. 34(1) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(e)**

C361 Art. 34(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C362 Art. 34(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C363 Art. 34(1) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C364 Art. 34(1) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C365 Art. 34(1) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C366 Art. 34(2) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(f)**;
Art. 34(2) applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(e)**;
Art. 34(2) applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(e)**

C367 Art. 34(2) applied (with modifications) (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(h)**

C368 Art. 34(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(g)**

C369 Art. 34(2) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(f)**

C370 Art. 34(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(g)**

C371 Art. 34(2) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(e)**

C372 Art. 34(2) applied (with modifications) (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(h)** (with reg. 3)

C373 Art. 34(2) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(f)**

C374 Art. 34(2) applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(e)**

C375 Art. 34(2) applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(e)**

C376 Art. 34(2) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(f)**

C377 Art. 34(2) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(f)**

C378 Art. 34(2) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(3)(c)**

C379 Art. 34(2) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(3)(c)**
C380 Art. 34(2) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(g)**
C381 Art. 34(2) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(f)**
C382 Art. 34(2) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(f)**
C383 Art. 34(2) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(3)(c)**
C384 Art. 34(2) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(3)(b)**
C385 Art. 34(2) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(f)**
C386 Art. 34(2) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(f)**

Offences

Time limit for prosecutions N.I.

35. A prosecution for an offence under this Order which is punishable under Article 36(2) shall not be begun after the expiry of—

(a) 3 years from the commission of the offence; or

(b) one year from its discovery by the prosecution,

whichever is the earlier.

Modifications etc. (not altering text)
C387 Art. 35 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(d)**
C388 Art. 35 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(g)**
C389 Art. 35 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(g)**
C390 Art. 35 applied (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(3)**
C391 Art. 35 applied (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(4)**
C392 Art. 35 applied (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(4)**
C393 Art. 35 applied (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(4)**
C394 Art. 35 applied (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(4)**
C395 Art. 35 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

Punishment of offences N.I.

36.—[F51](1) A person guilty of an offence under Article 34(1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

[F51](2) A person guilty of any other offence under this Order shall be liable—

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;

(b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding 6 months or to both.

[F51](3) In paragraph (2) "the relevant amount" means—

(a) in the case of an offence under**[**[F52] Article 6 or 13**]**, £20,000;

(b) in any other case, the statutory maximum.

F51 mod. by SR 2005/284
F52 SR 2004/505

Modifications etc. (not altering text)

C396 Art. 36 applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(h)**

C397 Art. 36 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(i)**

C398 Art. 36 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(g)**

C399 Art. 36(1)-(3) applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(e)**

C400 Art. 36(1) applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(f)**

C401 Art. 36(1) applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(f)**

C402 Art. 36(1) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(g)**

C403 mod. by SR 2004/487

C404 Art. 36(1) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(i)**

C405 Art. 36(1) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(h)**

C406 Art. 36(1) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(g)**

C407 Art. 36(1) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(h)**

C408 Art. 36(1) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(f)**

C409 Art. 36(1) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(i)** (with reg. 3)

C410 Art. 36(1) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(g)**

C411 Art. 36(1) applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(f)**

C412 Art. 36(1) applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(f)**

C413 Art. 36(1) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(g)**

C414 Art. 36(1) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(h)**

C415 Art. 36(1) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(g)**

C416 Art. 36(1) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(d)**

C417 Art. 36(1) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(f)**

C418 Art. 36(1) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(h)**

C419 Art. 36(1) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(g)**

C420 Art. 36(1) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(g)**

C421 Art. 36(1) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(d)**

C422 Art. 36(1) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(d)**

C423 Art. 36(1) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(g)**

C424 Art. 36(1) applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**

C425 Art. 36(1)(2) applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C426 Art. 36(1) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(g)**

C427 Art. 36(1) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C428 Art. 36(1) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C429 Art. 36(1)(2) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 Pt. 4**

C430 Art. 36(1) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C431 Art. 36(1)(2) applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C432 Art. 36(1)(2) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C433 Art. 36(1)(2) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C434 Art. 36(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C435 Art. 36(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C436 Art. 36(1)(2) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C437 Art. 36(1)(2) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C438 Art. 36(1)(2) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C439 Art. 36(2)(3) applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(6)**

C440 Art. 36(2)(3) applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(g)**

C441 Art. 36(2)(3) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(h)**

C442 Art. 36(2) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(j)**

C443 Art. 36(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(i)**

C444 Art. 36(2) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(h)**

C445 Art. 36(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(i)**

C446 Art. 36(2) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(g)**

C447 Art. 36(2) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(j)** (with reg. 3)

C448 Art. 36(2) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(h)**

C449 Art. 36(2)(3) applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(g)**

C450 Art. 36(2)(3) applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(g)**

C451 Art. 36(2)(3) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(h)**

C452 Art. 36(2)(3) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(h)**

C453 Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(g)**

C454 Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(i)**

C455 Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(e)**

C456 Art. 36(2) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(h)**

C457 Art. 36(2) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(h)**

C458 Art. 36(2) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(e)**

C459 Art. 36(2)(3) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(e)**

C460 Art. 36(2) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(h)**

C461 Art. 36(2) applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**

C462 Art. 36(2)(3) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(h)**

C463 Art. 36(2) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**

C464 Art. 36(2) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**

C465 Art. 36(2) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C466 Art. 36(2) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C467 Art. 36(2) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C468 Art. 36(2)(b) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C469 Art. 36(3) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(i)**

C470 Art. 36(3) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(h)**

C471 Art. 36(3) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(i)**

C472 Art. 36(3) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(g)**

C473 Art. 36(3) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(j)** (with reg. 3)

C474 Art. 36(3) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(h)**

C475 Art. 36(3) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(j)**

C476 Art. 36(3) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(h)**

C477 Art. 36(3) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(h)**

C478 Art. 36(3) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(e)**

C479 Art. 36(3) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(h)**

Appeals

Appeals N.I.

37.—(1) Any person who is aggrieved by—

(a) a decision of an authorised officer to serve an improvement notice;

(b) a decision of a district council or, as the case may be,**[**[F53] the Food Standards Agency or**]** the Department of Agriculture to refuse to issue such a certificate as is mentioned in Article 10(6) or 11(8); or

(c) subject to paragraph (2), a decision of a district council or, as the case may be,**[**[F53] the Food Standards Agency or**]** the Department of Agriculture to refuse, cancel, suspend or revoke a licence required by regulations under Part II,

may appeal to a court of summary jurisdiction.

(2) The procedure on an appeal to a court of summary jurisdiction under paragraph (1), or an appeal to such a court for which provision is made by regulations under Part II, shall be by way of notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981[F54] .

[[F55](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 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.**]**

(3) In any case where such an appeal as is mentioned in paragraph (2) lies, the document notifying the decision to the person concerned shall state—

(a) the right of appeal to a court of summary jurisdiction; and

(b) the period within which such an appeal may be brought.

F53 1999 c. 28
F54 1981 NI 26
F55 1996 NI 12

Modifications etc. (not altering text)

C480 Art. 37 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, **5**

C481 Art. 37 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, **reg. 8(1)-(3)**

C482 Art. 37 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), **reg. 18(1)-(3)**

C483 Art. 37 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, **8(1)**

C484 Art. 37 applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C485 Art. 37 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(3), Sch. Pt. 3 paras. 1, **2**

C486 Art. 37 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(2), **Sch. 12 Pt. 3**

C487 Art. 37 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, 5(3), **Sch. 2**

C488 Art. 37 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C489 Art. 37(1) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 para. 1**

C490 Art. 37(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C491 Art. 37(1) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C492 Art. 37(1) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C493 Art. 37(1) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C494 Art. 37(2)(2A)(3) applied (1.1.2007) by Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2006 (S.R. 2006/485), **reg. 8(2)**

C495 Art. 37(2) applied (1.1.2008) by Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007 (S.R. 2007/497), **reg. 8(2)**

C496 Art. 37(2A) applied (1.1.2008) by Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007 (S.R. 2007/497), **reg. 8(2)**

C497 Art. 37(2A) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C498 Art. 37(2A)(b) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C499 Art. 37(2A)(b) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 para. 2**

C500 Art. 37(3) applied (1.1.2008) by Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007 (S.R. 2007/497), **reg. 8(2)**

Appeals against improvement notices N.I.

38.—(1) On an appeal against an improvement notice, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(2) Where, apart from this paragraph, any period specified in an improvement notice would include any day on which an appeal against that notice is pending, that day shall be excluded from that period.

(3) An appeal shall be regarded as pending for the purposes of paragraph (2) until it is determined or abandoned.

Modifications etc. (not altering text)

C501 Art. 38 applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, **5(4)**

C502 Art. 38 applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, **8(4)**

C503 Art. 38 applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), **18(4)**

C504 Art. 38 applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, **8(4)**

C505 Art. 38 applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), reg. 1, **Sch. 2**

C506 Art. 38 applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(3), **Sch. Pt. 3 para. 3**

C507 Art. 38 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(2), **Sch. 12 Pt. 3**

C508 Art. 38 applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), regs. 1, 5(3), **Sch. 2**

C509 Art. 38 applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C510 Art. 38(1) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 para. 3**

C511 Art. 38(1) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C512 Art. 38(1)(2) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C513 Art. 38(1)(2) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), regs. 1, 6(2), **Sch. 3 Pt. 2**

C514 Art. 38(1)(2) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)

C515 Art. 38(2) applied (with modifications) (13.12.2014) by The Food Information Regulations (Northern Ireland) 2014 (S.R. 2014/223), regs. 1(2), 12, **Sch. 4 para. 3**

C516 Art. 38(2) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

PART IV N.I.

MISCELLANEOUS AND SUPPLEMENTAL

Powers of Department

Power to issue codes of practice N.I.

39.—(1) For the guidance of district councils,**[**[F56] the Department**]** may issue codes of recommended practice as regards the execution and enforcement of this Order and of regulations and orders made under it; and any such code shall be laid before the Assembly after being issued.

[[F56](1A) The Food Standards Agency may, after consulting the Department, give a district council a direction requiring the council to take any specified steps in order to comply with a code under this Article.**]**

(2) In the exercise of the functions conferred on district councils by or under this Order, every district council—

(a) shall have regard to any relevant provision of any such code; and

(b) shall comply with any direction which is given**[**[F56] under this Article and**]** requires the council to take any specified steps in order to comply with such a code.

(3) Any direction under**[**[F56] paragraph (1A)**]** shall, on the application of**[**[F56] the Food Standards Agency**]**, be enforceable by mandamus.

[[F56](3A) The Food Standards Agency shall consult the Department before making an application under paragraph (3).**]**

(4) Before issuing any code under this Article,**[**[F56] the Department**]** shall

[[F56](a)**]** **[**[F57]Subject to paragraph (4B),**]** consult with such organisations as appear to**[**[F56] the Department**]** to be representative of interests likely to be substantially affected by the code**[**[F56]; and**]**

[[F56](b) have regard to any relevant advice given by the Food Standards Agency**]**

[[F56](4A) If it appears to the Department that the Food Standards Agency has undertaken any consultation with an organisation that the Department is required to consult under paragraph (4), the Department may treat that consultation as being as effective for the purposes of that paragraph as if undertaken by the Department.**]**

[[F57](4B) Paragraph (4)(a) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.**]**

(5) Any consultation undertaken before paragraph (4) comes into operation shall be as effective, for the purposes of that paragraph, as if undertaken after that paragraph comes into operation.

F56 1999 c. 28
F57 SR 2004/482

Power to require returns N.I.

40. Every district council shall send to the Department**[**[F58] or the Food Standards Agency**]** such reports and returns, and give to the Department**[**[F58] or the Food Standards Agency**]** such information, with respect to the exercise of the functions conferred on district councils by or under this Order, as the Department**[**[F58] or the Food Standards Agency**]** may require.

F58 1999 c. 28

Default powers N.I.

41.—(1) Where**[**[F59] the Department**]** is satisfied that—

(a) a district council (in this Article referred to as "the council in default") have failed to discharge any functions conferred by or under this Order; and

(b) the council's failure affects the general interests of consumers of food,

[[F59]the Department**]** may, by order, empower**[**[F59] the Food Standards Agency or**]** an officer of**[**[F59] the Department**]** to exercise, or procure the exercise of, that function in place of the council in default.

(2) For the purpose of determining whether the power conferred by paragraph (1) is exercisable,**[**[F59] the Department**]** may cause a local inquiry to be held.

(3) **[**[F59]The Department**]** may recover from the council in default any expenses reasonably incurred by it under paragraph (1); and for the purpose of paying any such amount the council in default may—

(a) raise money as if the expenses had been incurred directly by it as a district council; and

(b) if and to the extent that they are authorised to do so by**[**[F59] the Department**]**, borrow money in accordance with the statutory provisions relating to borrowing by a district council.

F59 1999 c. 28

Protective provisions

Continuance of registration or licence on death N.I.

42.—(1) This Article shall have effect on the death of any person who—

(a) is registered in respect of any premises in accordance with regulations made under Part II; or

(b) holds a licence issued in accordance with regulations so made.

(2) The registration or licence shall subsist for the benefit of**[**[F60] the deceased's personal representative, or widow or widower or surviving civil partner or any other member of the deceased's family, until the expiration of—**]**

[[F60](a)**]** **[**[F60]the period of 3 months from the date of the deceased's death**]**; or

(b) such longer period as the district council or, as the case may be,**[**[F61] the Food Standards Agency or**]** the Department of Agriculture may allow.

F60 2004 c.33
F61 1999 c. 28

Protection of public analyst acting in good faith N.I.

43. A public analyst appointed by a district council shall be treated for the purposes of section 48 of the Local Government Act (Northern Ireland) 1972[F62] as being an officer of the council, whether or not his appointment is a whole#time appointment.

F62 1972 c. 9 (NI)

Modifications etc. (not altering text)

C517 Art. 43 applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(j)**

C518 Art. 43 applied (with modifications) (5.11.2007) by Plastic Materials and Articles in Contact with Food (Lid Gaskets) Regulations (Northern Ireland) 2007 (S.R. 2007/419), **reg. 10(c)**

C519 Art. 43 applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(k)** (with reg. 3)

C520 Art. 43 applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(1)(d)**

C521 Art. 43 applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(i)**

C522 Art. 43 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C523 Art. 43 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C524 Art. 43 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C525 Art. 43 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(h)**

Financial provisions

Regulations as to charges N.I.

44.—(1) Regulations may require or authorise charges to be imposed by district councils or, as the case may be,**[**[F63] the Food Standards Agency or**]** the Department of Agriculture in respect of things done**[**[F63] or to be done**]** by those councils**[**[F63] or the Food Standards Agency**]** or that Department which are required or authorised by or under this Order.

(2) Regulations under this Article may include such provision as**[**[F63] the Department**]** sees fit as regards charges for which the regulations provide and the recovery of such charges; and nothing in paragraphs (3) and (4) shall prejudice this.

(3) Regulations under this Article may provide that the amount of a charge (if imposed) is to be at the discretion of the district council or, as the case may be,**[**[F63] the Food Standards Agency or**]** the Department of Agriculture or to be at its discretion subject to a maximum or a minimum.

(4) Regulations under this Article providing that a charge may not exceed a maximum amount, or be less than a minimum amount, may prescribe, as regards any amount, a sum or a method of calculating the amount.

F63 1999 c. 28

Expenses of authorised officers N.I.

45. Any expenses which are incurred under this Order by an authorised officer in procuring samples, and causing samples to be analysed or examined, shall be defrayed by the district council or, as the case may be,**[**[F64] the Food Standards Agency or**]** the Department of Agriculture.

F64 1999 c. 28

Modifications etc. (not altering text)

C526 Art. 45 applied (with modifications) (14.4.2008) by Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008/98), **reg. 20**

C527 Art. 45 applied (with modifications) (22.12.2008) by Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/451), **reg. 20**

C528 Art. 45 applied (with modifications) (28.4.2010) by Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010/125), **reg. 29**

C529 Art. 45 applied (with modifications) (14.10.2011) by Poultrymeat Regulations (Northern Ireland) 2011 (S.R. 2011/315), **reg. 26(1)(d)(2)**

Art. 46 rep. by 1996 NI 12

Supplemental

Regulations and orders N.I.

47.—(1) Nothing in this Order shall authorise**[**[F65] the Department**]** to make provision by order or regulations for prohibiting or regulating the carrying out of any commercial operation in relation to any food or contact material in so far as it relates to importation except where such provision is made with a view to the prevention of disease (including the protection of human health) or is made with respect to services in connection with, or the regulation of, the quality, transport, marketing or identification of food or contact material.

(2) Any power of**[**[F65] the Department**]** to make regulations or an order under this Order includes power—

(a) to apply, with modifications and adaptations, any other statutory provision (including one contained in this Order) which deals with matters similar to those being dealt with by the regulations or order; and

(b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as**[**[F65] the Department**]** considers necessary or expedient.

(3) **[**[F66]Subject to paragraph (3C),**]** before making—

(a) any regulations under this Order, other than regulations under Article 16(2); or

(b) any order under Part I,

[[F65]the Department**]** shall consult with such organisations as appear to**[**[F65] the Department**]** to be representative of interests likely to be substantially affected by the regulations or order.

[[F65](3A) Before making any regulations or order under this Order, the Department shall have regard to any relevant advice given by the Food Standards Agency.

(3B) If it appears to the Department that the Food Standards Agency has undertaken any consultation with an organisation that the Department is required to consult under paragraph (3), the Department may treat that consultation as being as effective for the purposes of that paragraph as if undertaken by the Department.**]**

[[F66](3C) Paragraph (3) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.**]**

(4) Any consultation undertaken before paragraph (3) comes into operation shall be as effective, for the purposes of that paragraph, as if undertaken after that paragraph comes into operation.

F65 1999 c. 28
F66 SR 2004/482

Form and authentication of documents N.I.

48.—(1) The following shall be in writing, namely—

(a) all documents authorised or required by or under this Order to be given, made or issued by a district council or the Department of Agriculture; and

(b) all notices and applications authorised or required by or under this Order to be given or made to, or to any authorised officer of, a district council or the Department of Agriculture.

(2) Regulations may prescribe the form of, and the manner of authentication (if any) of, any document to be used for any of the purposes of this Order and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

Application to Crown N.I.

49.—(1) Subject to the provisions of this Article, the provisions of this Order and of regulations and orders made under it shall bind the Crown including the Crown in right of Her Majesty's Government in the United Kingdom.

(2) No contravention by the Crown of any provision of this Order or of any regulations or order made under it shall make the Crown criminally liable; but the High Court may, on the application of the Department of Agriculture or, as the case may be,**[**[F67] the Food Standards Agency or**]** a district council, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), the provisions of this Order and of regulations and orders made under it shall apply to persons in the public service of the Crown as they apply to other persons.

(4) If the Secretary of State certifies that it appears to him requisite or expedient in the interests of national security that the powers of entry conferred by Article 33 should not be exercisable in

relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises; and in this paragraph "Crown premises" means premises held or used by or on behalf of the Crown.

F67 1999 c. 28

Water supply N.I.

50.—(1) Nothing in Part II or in any order or regulations made under that Part shall apply in relation to the supply of water to any premises, whether by **[**[F68]a water undertaker or by means of a private supply within the meaning of Part IV of the Water and Sewerage Services (Northern Ireland) Order 2006**]** .

(2) [F69]. . . . . .

F68 Words in art. 50(1) substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para 28** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with transitional, transitory and saving provisions in art. 3, Sch. 2)

F69 Art. 50(2) repealed (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with transitional, transitory and saving provisions in art. 3, Sch. 2)

Amendments, transitional provisions, savings and repeals N.I.

Para. (1)—Amendments

(2) Without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954,[F70] an order may make such modifications of instruments made under statutory provisions as appear to**[**[F71] the Department**]** to be necessary or expedient in consequence of the provisions of this Order; and in this paragraph "instruments" has the meaning assigned to it by section 1(c) of that Act of 1954.

(3) The transitional provisions and savings in Schedule 3 shall have effect for the purposes of this Order.

Para. (4)—Repeals

F70 1954 c. 33 (NI)

F71 1999 c. 28

SCHEDULES

SCHEDULE 1 N.I.

Article 15(3).

PROVISIONS OF REGULATIONS UNDER ARTICLE 15(1)

Composition of food

1. Provision for prohibiting or regulating—

(a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or

(b) the possession of any such substance for use in the preparation of food.

Fitness, etc., of food

2.—(1) Provision for prohibiting—

(a) the sale for human consumption; or

(b) the use in the manufacture of products for sale for such consumption,

of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.

(2) Provision for prohibiting or regulating, or for enabling district councils**[**[F72] or the Food Standards Agency**]** to prohibit or regulate—

(a) the sale for human consumption; or

(b) the offer, exposure or distribution for sale for such consumption,

of shellfish taken from beds or other layings for the time being designated by or under the regulations.

F72 1999 c. 28

3.—**[**[F73F73](1)**]** Provision for regulating generally the treatment and disposal of any food—

(a) which is unfit for human consumption; or

(b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.

[[F73](2) Provision for the following, namely—

(a) for the registration by the Department of Agriculture**[**[F74] or the Food Standards Agency**]** of premises used or proposed to be used for the purpose of sterilising meat to which sub-paragraph (1) applies, and for prohibiting the use for that purpose of any premises which are not registered in accordance with the regulations; or

(b) for the issue by that Department**[**[F74] or the Food Standards Agency**]** of licences in respect of the use of premises for the purpose of sterilising such meat, and for prohibiting the use for that purpose of any premises except in accordance with a licence issued under the regulations.**]**

F73 1996 NI 12
F74 1999 c. 28

Processing and treatment of food

4. Provision for the following, namely—

(a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or

(b) for the issue by district councils or, as the case may be,**[**[F75] the Food Standards Agency or**]** the Department of Agriculture of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

F75 1999 c. 28

Food hygiene

5.—(1) Provision for imposing requirements as to—

(a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;

(b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and

(c) the disposal of refuse from such premises.

(2) Provision for imposing requirements as to—

(a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and

(b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.

(3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.

6.—(1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) in respect of any premises—

(a) on the occupier of the premises; and

(b) in the case of requirements of a structural character, on any owner of the premises who either—

(i) lets them for use for a purpose to which the regulations apply; or

(ii) permits them to be so used after notice from the district council or, as the case may be,**[**[F76] the Food Standards Agency or**]** the Department of Agriculture.

(2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which—

(a) are contained in the regulations; and

(b) are made by virtue of paragraph 5(1),

while there is in force a certificate of the district council or, as the case may be,**[**[F76] the Food Standards Agency or**]** the Department of Agriculture to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

F76 1999 c. 28

[[F77]Production of food sources

F77 1999 c. 28

6A. Provision for prohibiting or regulating—

(a) the possession, sale or offer, exposure or advertisement for sale of any specified substance, or any substance of any specified class, with a view to its use in connection with the production of any food source;

(b) the use of any specified substance, or any substance of any specified class, in connection with the production of any food source;

(c) the carrying out of any other activity in connection with, or in a manner likely to affect, the production of any food source.**]**

Inspection, etc., of food sources

7.—(1) Provision for securing the inspection of food sources by authorised officers for the purpose of ascertaining whether they—

(a) fail to comply with the requirements of the regulations; or

(b) are such that any food derived from them is likely to fail to comply with those requirements.

(2) Provision for enabling an authorised officer, if it appears to him on such an inspection that any food source falls**[**[F78] (or is likely to fall)**]** within sub#paragraph (1)(a) or (b), to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn—

(a) no commercial operations are to be carried out with respect to the food source; and

(b) the food source either is not to be removed or is not to be removed except to some place so specified.

(3) Provision for enabling an authorised officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

F78 1999 c. 28

N.I.

N.I.

SCHEDULE 3 N.I.

Article 51(3).

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1. In this Schedule—

"the appointed day" for the purposes of this Schedule means the day appointed under Article 1(2) for the coming into operation of that provision;

"existing regulations" means—

(a) any regulations made, or having effect as if made, under a provision repealed by this Order; and

(b) any orders having effect as if made under such regulations,

which are in operation immediately before the appointed day;

"the 1989 Order" means the Food (Northern Ireland) Order 1989[F79] .

F79 1989 NI 6

Regulations under the 1989 Order

2. Any existing regulations made, or having effect as if made, under any provision of the 1989 Order specified in the first column of Table A shall have effect, after the appointed day, as if made under the provisions of this Order specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.

TABLE A

Provision of the 1989 Order	Provision of this Order
Article 6 (composition, etc., of food)	Articles 15(1)(a), (c) and (f) and (3) and 16(1)
Article 9 (describing food)	Article 15(1)(e)
Article 15 (food hygiene)	Article 15(1)(b), (c), (d) and (f), (2) and (3)
Articles 27 and 29 (milk)	Article 15(1)(b), (c), (d) and (f), (2) and (3)
Article 36(2) (public analysts)	Article 27(2)
Article 39(5) (form of certificate)	Article 48(2)
Article 73 (Community provisions)	Article 16(2)

Regulations with respect to milk

3.—(1) Any existing regulations made under Article 9 of the Milk (Northern Ireland) Order 1983[F80] (milk) shall have effect, after the appointed day as if made under Articles 15(1), (2) and (3), 17(2), 18(1), 32(2) and 48(2).

(2) Any existing regulations made under section 1 of the Importation of Milk Act 1983[F81] shall have effect, after the appointed day, as if made under Article 15(1).

F80 1983 NI 2
F81 1983 c. 37

Disqualification orders

4. The repeal by this Order of Article 16 of the 1989 Order (court's power to disqualify person for carrying on a food business) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

N.I.

Para. 5 rep. by 1999 c. 28

Closure orders

6. The repeal by this Order of Article 22 of the 1989 Order (closure orders) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

Saving

7. The provisions of this Schedule have effect without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

N.I.

N.I.

Schedule 4—Repeals

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Safety (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- art. 4 applied (with modifcations) by S.R. 2009/415 reg. 5(3)(a)
- arts.829303133 applied by S.I. 1994/2328 reg.1 lreg.1 (c)(ii)(cc)
- art. 9 amendment to earlier affecting provision S.R. 2013/219, reg. 4 by S.I. 2019/353 reg. 4(4) (This amendment not applied to legislation.gov.uk. S.I. 2019/353 revoked immediately before IP completion day by SR 2020/286 regs. 1, 2)
- art. 9(1)(2) amendment to earlier affecting provision S.R. 2015/365, reg. 33 by S.I. 2019/353 reg. 8(6) (This amendment not applied to legislation.gov.uk. S.I. 2019/353 revoked immediately before IP completion day by SR 2020/286 regs. 1, 2)
- art. 19 applied (with modifcations) by S.R. 2009/415 reg. 5(1)(a)
- art. 20 applied (with modifcations) by S.R. 2009/415 reg. 5(1)(b)
- art. 30(8) applied (with modifcations) by S.R. 2009/415 reg. 5(1)(c)
- art. 33 applied (with modifcations) by S.R. 2009/415 reg. 5(2)
- art. 34(1) applied (with modifcations) by S.R. 2009/415 reg. 5(3)(b)
- art. 34(2) applied (with modifcations) by S.R. 2009/415 reg. 5(3)(c)
- art. 35 applied by S.R. 2009/415 reg. 5(4)
- art. 36(1) applied (with modifcations) by S.R. 2009/415 reg. 5(1)(d)
- art. 36(2)(3) applied (with modifcations) by S.R. 2009/415 reg. 5(1)(e)