
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety(Northern Ireland) Order 1991

PART III

ADMINISTRATION AND ENFORCEMENT

Administration

Enforcement of this Order

26.—(1) The provisions of this Order shall be enforced and executed—

- (a) except as provided by sub-paragraphs (b) and (c) and by Article 12(8), in the case of all foods, by each district council within its district;
- (b) in the case of imported milk or milk in liquid milk plants or dairy farms, by the Department of Agriculture;
- (c) in the case of—
 - (i) the control on residues in meat or milk of veterinary drugs and such other substances as may be specified in an order;
 - (ii) the use of novel processes or treatments in the preparation of food;
 - (iii) novel foods, genetically modified food sources, food sources from which novel foods are intended to be derived or foods derived from genetically modified food sources;by each district council within its district and the Department of Agriculture.

(2) The 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 the Department 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.

(4) The Department may take over the conduct of any such proceedings which have been instituted by a district council.

(5) Any environmental health officer appointed by a district council in exercise of its powers under section 41 of the Local Government Act (Northern Ireland) 1972(1) shall be deemed to be an authorised officer of that council for the purposes of this Order.

Appointment of public and other analysts

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 prescribed 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 conferred on that Department by 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—

- (a) in paragraph (2)(b) for the reference to the Department there shall be substituted a reference to the Department of Agriculture; and
- (b) in paragraphs (4) and (5) for any reference to a district council there shall be substituted a reference to the Department of Agriculture.

Provision of facilities for examinations

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