

1991 No. 214

FOOD

The Food Safety (Improvement and Prohibition — Prescribed Forms) Regulations (Northern Ireland) 1991

Made 21st May 1991

Coming into operation 17th June 1991

The Department of Health and Social Services in exercise of the powers conferred on it by Article 48(2) of the Food Safety (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (Improvement and Prohibition — Prescribed Forms) Regulations (Northern Ireland) 1991 and shall come into operation on 17th June 1991.

(2) In these Regulations “the Order” means the Food Safety (Northern Ireland) Order 1991.

Forms prescribed for certain purposes

2. The form of a document used for the purposes of the Order and referred to in a numbered paragraph in the table of contents in Part I of the Schedule is hereby prescribed as being that set out in the correspondingly numbered form in Part II of the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 21st May 1991.

(L.S.)

J. Scott

Assistant Secretary

FORMS

PART I

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(1): FORM 1

Food Safety (Northern Ireland) Order 1991 — Article 9

IMPROVEMENT NOTICE

Reference Number

1. To: (Proprietor of the food business)

At:

.....

..... (Address of proprietor)

2. In my opinion the:

.....

.....

[Authorised officer to insert matters which do not comply with the Regulations]
in connection with your food business

..... (Name of business)

at

..... (Address of business)

do/does* not meet the requirements of
of the Regulations

because:

.....

.....

[*Authorised officer to delete as appropriate]

3. In my opinion, the following measures are needed for you to comply with these
Regulations:

.....

.....

4. These measures or measures that will achieve the same effect must be taken by:
..... (Date)

5. *It is an offence not to comply with this improvement notice by the date stated.*

Signed: Authorised Officer

Name of (1): Date:

Address:

.....

Tel: Fax:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

NOTES

1. In the opinion of the authorised officer you are not complying with the Regulations under Part II of the Food Safety (Northern Ireland) Order 1991 described in paragraph 2 of the notice. The work needed in the authorised officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.
3. *You have a right to carry out work that will achieve the same effect as that described in the notice.* If you think that there is another equally effective way of complying with the law, you should first discuss it with the authorised officer.

YOUR RIGHT OF APPEAL

4. If you disagree with all or part of this notice, you can appeal to a court of summary jurisdiction. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
5. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. *However, if you are not complying with the Regulations mentioned in the notice, you may still be prosecuted for failure to comply with those Regulations.*
6. When the appeal is heard, the court may confirm, cancel or vary the notice.

WARNING

***FAILURE TO COMPLY WITH THIS NOTICE IS
AN OFFENCE***

*Offenders are liable to be fined and/or
imprisoned for up to 2 years.*

Food Safety (Northern Ireland) Order 1991 — Article 11

EMERGENCY PROHIBITION NOTICE

Reference Number

1. To: (Proprietor of the food business)

At:
..... (Address of proprietor)

2.* I am satisfied that:
.....
.....

at
..... (Address of business)

POSES AN IMMINENT RISK OF INJURY TO HEALTH because:

.....
.....
.....

(*See Note 1 overleaf)

3. *YOU MUST NOT USE IT FOR THE PURPOSES OF THIS/ANY/THIS OR ANY SIMILAR* FOOD BUSINESS.*

[*Authorised officer to delete as appropriate]

Signed: Authorised Officer

Name of (1): Date:

Address:
.....

Tel: Fax:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

1. *When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the authorised officer in paragraph 2 of the notice and located at the address stated.*
2. Within 3 days of service of this notice, (1) must apply to a magistrates' court for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the imminent risk of injury to health, you should apply in writing to (1) for a certificate which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 3 of the notice (see Article 10(3) of the Food Safety (Northern Ireland) Order 1991) until (a) a court decides you may do so; (b) (1) issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and (1) has not applied to the court as in paragraph 2 above; or (d) (1) abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence (under Article 3 of the Criminal Damage (Northern Ireland) Order 1977) to destroy or damage it.
6. COMPENSATION: If (1) does not apply to the magistrates' court for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the magistrates' court decide at the hearing that (1) action was wrong.

WARNING

*ANYONE WHO KNOWINGLY CONTRAVENES THIS NOTICE
IS GUILTY OF AN OFFENCE*

*Offenders are liable to be fined and/or
imprisoned for up to 2 years.*

(1) Insert name of authority responsible for enforcement

Food Safety (Northern Ireland) Order 1991 — Article 11

**NOTICE OF INTENTION TO APPLY FOR AN
EMERGENCY PROHIBITION ORDER**

Reference Number

1. To:
Address:
.....
.....

You are the proprietor of the food business at:

.....
.....
.....

2. *I give notice that I shall be applying to the magistrates'
court sitting at
for an emergency prohibition order because:*
.....
.....

3. If an order is made by the court you will not be able to use the premises, process,
treatment or equipment described:
.....
.....
.....

for the purpose of this/any/this or any similar* food business.

[*Authorised officer to delete as appropriate]

Signed: Authorised Officer

Name of (1): Date:

Address:
.....

Tel: Fax:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

NOTES

1. This notice tells you that (1) intends to apply to the magistrates' court for an emergency prohibition order which, if granted, would mean that you could not use the premises, process, treatment or equipment described for the purposes specified in paragraph 3 of the notice (see Article 10(3) of the Food Safety (Northern Ireland) Order 1991).
2. The court will consider the evidence from (1) as to why they believe there is an imminent risk to health from the operation of your food business or part of it. You may bring your own evidence and witnesses to put before the court and you may choose to be legally represented.
3. *If the court is convinced by (1) evidence, then an order will be made stating what you may not do. The order will be served on you by (1) A copy of it must be fixed by (1) at your premises and it is an offence to destroy or damage it. (Article 3 of the Criminal Damage (Northern Ireland) Order 1977).*
4. The making of an order does not mean you are guilty of an offence but (1) may seek to prosecute you for offences under the Food Safety (Northern Ireland) Order 1991 or associated regulations.
5. If you have been issued with an emergency prohibition notice from (1), you will know what steps must be taken to remove the imminent risk to health.
6. *If the court is not satisfied by (1) evidence and an order is not issued, then you will be entitled to continue your business. If (1) has already issued you with an emergency prohibition notice and you have suffered loss because you have complied with it then you will also be entitled to compensation from (1)*
7. If the magistrates' court imposes an emergency prohibition order in respect of your premises, process, treatment or equipment this shall cease to have effect on the issue by (1) of a certificate that there is no longer a risk to health. You may apply for such a certificate (see Article 11(9) of the Food Safety (Northern Ireland) Order 1991). Subsequently if you are aggrieved by a decision of (1) to refuse to issue such a certificate you may appeal to a court of summary jurisdiction. (See Article 37 of the Food Safety (Northern Ireland) Order 1991).

(1) Insert name of authority responsible for enforcement

(1): FORM 4

Food Safety (Northern Ireland) Order 1991 — Articles 10 and 11

CERTIFICATE THAT THERE IS NO LONGER A RISK TO HEALTH

1. To: (Name of proprietor)

At:

Proprietor of:

Address of food business:

.....

2. *The (1) certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:*

- emergency prohibition notice*
- emergency prohibition order*
- prohibition order*
- [*Authorised officer to delete as appropriate]

served on you on (date)

Signed: Authorised Officer

Name of (1): Date:

Address:

.....

Tel: Fax:

THIS CERTIFICATE MEANS THAT YOU MAY NOW USE THE PREMISES, PROCESS, TREATMENT OR EQUIPMENT AGAIN

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

NOTES

1. The (1) is now satisfied that the imminent* risk of injury to health no longer exists in respect of the circumstances that caused (1) to issue you with an emergency prohibition notice or the court to impose a prohibition order or emergency prohibition order.
2. *The relevant notice or order is now lifted and you may use the premises, process, treatment or equipment again.*

[*Authorised officer to delete as appropriate]

(1) Insert name of authority responsible for enforcement

Food Safety (Northern Ireland) Order 1991 — Articles 10 and 11

NOTICE OF CONTINUING RISK TO HEALTH

1. To: (Name of proprietor)

At: (Address of proprietor)

Proprietor of:

Address of food business:

.....

2. *The (1) is NOT satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:*

*emergency prohibition notice**

*emergency prohibition order**

*prohibition order**

*[*Authorised officer to delete as appropriate]*

served on you on (date), a further copy of which is attached.

The (1) is not satisfied because:

.....

.....

3. *You must not use the premises, process, treatment or equipment in question until (1) notifies you that you may do so.*

Signed: Authorised Officer

Name of (1): Date:

Address:

.....

Tel: Fax:

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

1. The (1) is not yet satisfied that the imminent* risk of injury to health has been removed at your business. The reasons why (1) is not satisfied are given.
2. You still cannot use the premises, process, treatment or equipment in question for the purposes described in the emergency prohibition notice/emergency prohibition order/prohibition order* even if you are appealing against the terms of this notice.
3. As soon as you think that there is no longer a/an imminent* risk of injury to health, because of actions you have taken, you may apply to (1) for the prohibition notice or order to be lifted.
4. If you are aggrieved by the refusal of (1) to issue a certificate that there is no longer a risk to health in respect of your premises, process, treatment or equipment you may appeal to a court of summary jurisdiction (see Article 37 of the Food Safety (Northern Ireland) Order 1991). If you want to do so you should appeal to the court within one calendar month of the date on which this notice is served on you.

[*Authorised officer to delete as appropriate]

WARNING

**FAILURE TO COMPLY WITH THE ORIGINAL NOTICE OR ORDER IS AN
OFFENCE**

*Offenders are liable to be fined and/or
imprisoned for up to 2 years.*

(1) Insert name of authority responsible for enforcement

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the forms of notice which may be used in connection with improvement notices under Article 9, prohibition orders (other than those relating to proprietors) under Article 10 and emergency prohibition notices or orders under Article 11 of the Food Safety (Northern Ireland) Order 1991 ("the Order") (regulation 2).

The enabling provisions under which these Regulations are made, together with the majority of the other provisions of the Order, are brought into operation on 21st May 1991 by virtue of the Food Safety (1991 Order) (Commencement) Order (Northern Ireland) 1991 (S.R. 1991 No. 175 (C. 11)).

Codes of Practice issued under Article 39(1) of the Order on the Use of Improvement Notices and on Prohibition Procedures are published by Her Majesty's Stationery Office, copies may be obtained from Government bookshops.