

1991 No. 215

FOOD

**The Detention of Food (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 Detention of Food (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. Notice given by an authorised officer under Article 8(3)(a) of the Order (“Detention of food notice”).

2. Notice authorised or required by Article 8(4)(a) of the Order, or by a code of practice issued under Article 39(1) of the Order, to be given for the purpose of informing a person that a detention of food notice is withdrawn (“Withdrawal of detention of food notice”).

3. Notice authorised or required by Article 8(5) of the Order, or by a code of practice issued under Article 39(1) of the Order, to be given for the purpose of informing a person in charge of food of the intention of an authorised officer to have the food dealt with by a justice of the peace (“A food condemnation warning notice”).

(1)

FORM 1

**Food Safety (Northern Ireland) Order 1991 — Article 8
DETENTION OF FOOD NOTICE**

Reference Number:

1. To:
Of:
.....

2. Food to which this notice applies:
Description :
Quantity :
Identification marks :

3. **THIS FOOD IS NOT TO BE USED FOR HUMAN CONSUMPTION**
In my opinion, the food does not comply with food safety requirements because:
.....
.....

4. The food must not be removed from:
.....
.....

*unless it is moved to:
.....
.....

(*Authorised Officer to delete if not applicable)

5. Within 21 days, either this notice will be withdrawn and the food released, or the food will be seized to be dealt with by a justice of the peace, who may condemn it.

Signed: Authorised Officer

Name in capitals:

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 food described in this notice has been detained pending official investigation.
2. The food must not be used for human consumption until it is released by an authorised officer.
3. The food must remain where it is. If it is moved, it may only be moved to the place stated in paragraph 4 of the notice.
4. If for some reason you need to move the food after receiving this notice, you should contact the authorised officer.
5. Within 21 days the authorised officer must tell you if the notice is being withdrawn or if he is seizing the food for it to be dealt with by a justice of the peace, who may condemn it.
6. *COMPENSATION*: If this notice is withdrawn and the food released for human consumption, then you may be entitled to compensation from (1) This compensation will be payable for any loss in value of the food resulting from the effect of the notice.

WARNING

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

Offenders will be liable:

- on summary conviction, to a fine of up to £2,000 and/or 6 months in prison, or
- on conviction on indictment, to an unlimited fine and/or up to 2 years in prison.

(1) Insert name of authority responsible for enforcement.

(1)

Food Safety (Northern Ireland) Order 1991 — Article 8

WITHDRAWAL OF DETENTION OF FOOD NOTICE

Reference Number:

1. To:
Of:
.....

2. Detention Notice Number, dated and served on you on (date) is now withdrawn. The food described in paragraph 3 below can now be used for human consumption.

3. Food released for human consumption:

Description :
Quantity :
Identification marks :

Signed: Authorised Officer

Name in capitals:

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 food described in this notice has now been released for human consumption.
 2. If this notice does not relate to all of the food originally detained, then the rest has been seized under Article 8(3)(b) of the Food Safety (Northern Ireland) Order 1991.
 3. *COMPENSATION*: If you can show that any of the food now released for human consumption has lost value, you may be entitled to compensation from (1) Compensation will be payable for any loss in value of the food resulting from the effect of the notice.
- (1) Insert name of authority responsible for enforcement.

Food Safety (Northern Ireland) Order 1991 — Article 8

FOOD CONDEMNATION WARNING NOTICE

Reference Number:

1. To:
Of:
.....

2. This Notice applies to the following food which has been seized by an authorised officer of (1)
Description :
Quantity :
Identification marks :

3. *IT IS MY INTENTION TO APPLY TO A JUSTICE OF THE PEACE, AT*
.....
ON(DATE) ATAM/PM FOR THE ABOVE
FOOD TO BE CONDEMNED,
because

4. As the person in charge of the food, you are entitled to attend and to bring witnesses.

5. A copy of this notice has also been given to:
.....
.....
who may also attend and bring witnesses.

Signed: Authorised Officer

Name in capitals:

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. You are being warned that (1) will be applying to a justice of the peace for the food that has already been seized to be condemned.
 2. The justice of the peace will listen to (1) case that the food fails to comply with food safety requirements and should be condemned. You may say why it should not be condemned.
 3. You may bring your own evidence and witnesses to challenge the views of (1) and you may be legally represented.
 4. You are not being charged with an offence. The hearing is only to decide whether the food complies with food safety requirements. But the court may order the food to be condemned. However you may be prosecuted for offences under the Food Safety (Northern Ireland) Order 1991.
 5. *EXPENSES*: If the justice of the peace orders the food to be condemned, then the owner of the food will have to pay reasonable expenses for it to be destroyed or disposed of.
 6. *COMPENSATION*: If the justice of the peace does not condemn the food, the owner of the food may be entitled to compensation from (1) for any loss in its value as a result of the action taken by (1)
- (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 the detention of food under Article 8 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)).

A Code of Practice issued under Article 39(1) of the Order on the Inspection, Detention and Seizure of Suspect Food is published by Her Majesty's Stationery Office, copies may be obtained from Government bookshops.