

## 1992 No. 167

## FOOD

**The Food Premises (Registration) Regulations  
(Northern Ireland) 1992**

*Made* . . . . . 27th March 1992

*Coming into operation in accordance with regulation 1(1)  
for certain purposes* . . . . . 1st May 1992  
*for all other purposes* . . . . . 1st August 1992

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(f), 18(1)(a), 25(2)(a), (b) and (c) and (3), 26(3), 44(1) and (3), 47(2) and 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 Premises (Registration) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

- (a) all provisions other than regulations 2, 3, 5(4) and (5), 7 and 8(1), (2), (3), (4) and (8) on 1st May 1992, and
  - (b) regulations 2, 3, 5(4) and (5), 7 and 8(1), (2), (3), (4) and (8) on 1st August 1992.
- (2) In these Regulations—

“Crown premises” means premises held or used by or on behalf of the Crown;

“domestic premises” means a dwelling house or other building used principally, but not exclusively, as a dwelling, and its curtilage;

“market” shall be construed generally and not as limited to a market held by virtue of a grant from the Crown or of prescription or under statutory authority and “controller of the market” means, in relation to a market provided by a district council, that council, and in any other case, the person by whose authority premises are used within the area of the market;

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(a) S.I. 1991/762 (N.I. 7). See Article 2(2) for the definitions of “regulations” and “the Department concerned”

“moveable premises” means premises other than permanent premises, and “relevant moveable premises” means moveable premises used for the transport or preparation of food or the retail sale of food on five or more days, whether consecutive or not, in any period of five consecutive weeks, other than—

- (a) motor vehicles which are constructed solely for the purpose of carrying no more than 8 passengers (including the driver) and their personal effects,
- (b) tents, or
- (c) moveable premises which are ordinarily kept outside Northern Ireland;

“non-retail sale” means sale otherwise than to the ultimate consumer;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“permanent premises” means any land or building;

“the register” means the register kept under regulation 5;

“registered” means registered in the register;

“registration authority” means a district council which is required by regulation 9 to enforce these Regulations;

“relevant registration authority” means, in relation to any premises, the district council in whose district the premises are situated;

“retail sale” means sale to the ultimate consumer;

“sale” shall be construed in accordance with Articles 2(4) and 3 of the Order, and as including possession, offer or exposure for sale, and consigning, delivering and serving by way of sale;

“supplementary record” means the record kept under regulation 6(1);

“supply” means, in relation to any food, to give it away in the course of any trade or business, and the possession, preparation, storage, offer or exposure of food for such supply and serving by way of such supply;

“tents” includes marquees, awnings and similar structures but does not include stalls;

“ultimate consumer” has the meaning assigned to it by regulation 2(1) of the Food Labelling Regulations (Northern Ireland) 1984(a);

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any body exercising the functions of a government department or district council.

(3) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954(b) the making of applications and the giving or serving of documents under these Regulations may be effected by ordinary post.

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(a) S.R. 1984 No. 407, to which there are amendments not relevant to these Regulations  
(b) 1954 c. 33 (N.I.)

*Prohibition on use of premises for a food business*

2.—(1) Subject to paragraphs (3), (4) and (5) and to regulation 3, no person shall use any premises for the purposes of a food business on five or more days, whether consecutive or not, in any period of five consecutive weeks unless—

- (a) those premises are registered;
- (b) those premises, though not registered, are required by virtue of paragraph (3), (4) or (5) or regulation 4(2) to be registered on the application of some other person; or
- (c) an application for those premises to be registered has been made in accordance with regulation 4 to the relevant registration authority at least 28 days before the first day of such use.

(2) Subject to paragraphs (3), (4) and (5) and to regulation 3, premises shall not be used for the purposes of two or more food businesses, whether carried on by the same or by different persons, on five or more days, whether consecutive or not, in any period of five consecutive weeks unless—

- (a) those premises are registered; or
- (b) an application for those premises to be registered has been made in accordance with regulation 4 to the relevant registration authority at least 28 days before the first day of such use.

(3) Schedule 1 shall have effect for the purposes of determining requirements for registration where relevant moveable premises are used for the purposes of a food business within the area of a market.

(4) Schedule 2 shall have effect for the purposes of determining requirements for registration where a set of permanent premises is included in another set of permanent premises.

(5) Schedule 3 shall have effect for the purposes of determining the requirements for registration where moveable premises are used for the purposes of a food business, other than where relevant moveable premises are used within the area of a market.

*Exceptions*

3.—(1) Regulation 2 does not apply to premises at which the only commercial operations carried out in relation to food or food sources are one or more of the following—

- (a) killing game (including deer) for food by way of sport or the non-retail sale of food from game killed there;
- (b) taking fish for food or the non-retail sale of food from fish taken there;
- (c) harvesting food in the course of horticulture, viticulture or arable farming, or—
  - (i) the cleaning of food harvested there,
  - (ii) the storage of food harvested there,
  - (iii) the packaging of food harvested there except in a form in which the food is to be sold by retail,
  - (iv) the non-retail sale of food harvested there;

- (d) collecting honey from bees;
  - (e) the production or packing of eggs or the non-retail sale of eggs produced or packed there;
  - (f) the retail sale of food by means of an automatic vending machine on those premises;
  - (g) the supply of beverages, or of biscuits, potato crisps, confectionery or other similar products, ancillary to a business whose principal activity is not the sale of food;
  - (h) the supply of food in the course of a religious ceremony.
- (2) Regulation 2 also does not apply to premises used only—
- (a) as a liquid milk plant or dairy farm in respect of which a licence is required under regulation 2C of the Milk Regulations (Northern Ireland) 1987(a);
  - (b) as milk products premises in respect of which a licence is required under section 1 of the Milk Products Act (Northern Ireland) 1958(b);
  - (c) as a slaughterhouse in respect of which a licence is required under section 1 of the Slaughter-houses Act (Northern Ireland) 1953(c);
  - (d) as a slaughterhouse or cutting premises in respect of which a licence has been granted under regulation 13 of the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977(d);
  - (e) as export cutting premises or an export cold store approved in accordance with Article 10 of Council Directive 64/433/EEC, as replaced by the Annex to Council Directive 91/497/EEC(e); or
  - (f) as an establishment preparing meat products for export to another Member State of the European Economic Community approved in accordance with Article 7 of Council Directive 77/99/EEC(f) as amended by Council Directive 88/658/EEC(g).
- (3) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to—
- (a) premises controlled by a voluntary organisation or the trustees of a charity and used only for the purposes of such organisation or charity, where no food (other than dry ingredients for the preparation of beverages, sugar, biscuits, potato crisps or other similar dry products) is stored for sale;
  - (b) premises at which—
    - (i) no food intended for sale for human consumption is present, and
    - (ii) no relevant moveable premises are ordinarily kept;

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(a) S.R. 1987 No. 229; the relevant amending Regulations are S.R. 1991 No. 203

(b) 1958 c. 31 (N.I.)

(c) 1953 c. 21 (N.I.)

(d) S.R. 1977 No. 165; to which there are amendments not relevant to these Regulations

(e) O.J. No. L268, 24.9.91, p. 69

(f) O.J. No. L26, 31.1.77, p. 84

(g) O.J. No. L382, 31.12.88, p. 15

- (c) premises where food is—
    - (i) stored for sale, or
    - (ii) prepared for sale,and it is intended, when the food first enters those premises, that its sale is to take place only in the event of an emergency or disaster;
  - (d) premises in respect of which a certificate under Article 49(4) of the Order has been issued by the Secretary of State.
- (4) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to domestic premises used for the purposes of a food business if—
- (a) the proprietor of the business does not reside there, and the business does not consist of or include the peeling of shrimps or prawns;
  - (b) the proprietor of the business does reside there, but the only commercial operations carried out there in relation to food or food sources are—
    - (i) the sale of food ancillary to the provision of accommodation in not more than three bedrooms, or
    - (ii) the sale, or preparation for sale of honey (wherever collected), or of horticultural or viticultural produce harvested on the premises.

#### *Applications for registration*

4.—(1) An application for premises to be registered as required by regulation 2(1) shall be made in writing to the relevant registration authority by the proprietor of the food business for the purposes of which the premises are being or are to be used.

(2) An application for premises to be registered as required by regulation 2(2) shall be made in writing to the relevant registration authority by the person who permits the premises to be used for the purposes of a food business on five or more days (whether consecutive or not) in any five consecutive weeks.

(3) An application for premises to be registered as required by paragraph 5 of Schedule 3 shall be made in writing to the relevant registration authority by the proprietor of the food business for the purposes of which the premises are being or are to be used because of the ordinary keeping there of relevant moveable premises.

(4) The form of application for the purposes of paragraph (1) or paragraph (3) is hereby prescribed as being that set out in Schedule 4 and the application shall contain the particulars required by that form, and shall be signed by or on behalf of the person making it.

(5) An application for the purposes of paragraph (2) shall contain the same particulars as are required by paragraphs 1, 3, 5, 8 and 9 of the form referred to in paragraph (4), and shall be signed by or on behalf of the person making it.

(6) Subject to paragraph (7), upon receipt of an application made in accordance with such of the preceding paragraphs of this regulation as apply to it the registration authority shall, unless the premises are already registered, register the premises within 28 days.

(7) Upon receipt of an application under paragraph (3), made in accordance with paragraph (4), the registration authority shall, unless the permanent premises are already registered in respect of their use for the purposes of that business, register the premises within 28 days.

#### *The register*

5.—(1) Every registration authority shall keep a register containing particulars of the name (if any) and address of premises for which it is the relevant registration authority in respect of which the particulars required by regulation 4(4) or (5) have been furnished together with, in the case of premises required to be registered by regulation 2(1) or paragraph 5 of Schedule 3—

- (a) the name of the business; and
- (b) particulars of the nature of the business.

(2) Where the premises to be registered are relevant moveable premises used within the area of a market, the address referred to in paragraph (1) is that at which they are ordinarily kept.

(3) The register shall be open to inspection at all reasonable times by a constable, an authorised officer, or the Department and a copy of the register, or any entry in it, may be given or sent to a person authorised to inspect it and shall be given or sent to such a person if he reasonably requests it.

(4) The register shall be open to inspection by the public at all reasonable times, and the registration authority may give or send to any person a copy of the register or of any entry in it.

(5) As a condition of giving or sending a copy under paragraph (4) a registration authority may impose a charge of an amount which shall be at its discretion.

#### *Supplementary record*

6.—(1) Every registration authority shall keep, in addition to but separately from the register, a supplementary record containing, for all registered premises for which it is the relevant registration authority, the particulars required by regulation 4(4) or (5) to be contained in an application for the premises to be registered.

(2) The supplementary record shall not be open to inspection by the public but shall be open to inspection at all reasonable times by a constable, an authorised officer, or the Department and a copy of the supplementary record, or of any entry in it, may be given or sent to a person entitled to inspect it.

#### *Supply of information and alterations to register*

7.—(1) Where there is a change of proprietor of a food business carried on at premises required, before the occurrence of the change, by regulation 2(1) or paragraph 5 of Schedule 3, to be registered the new proprietor shall, before, on, or within 28 days after the date of the change, supply the relevant registration authority with the same particulars as are required by regulation 4(4) to be provided on an application for premises to be registered.

(2) Where there is a change in the nature of a food business (other than one carried on from relevant moveable premises in a market to which paragraph 2 of Schedule 1 applies) particulars of which are contained in the register under regulation 5(1)(b), the proprietor of the business shall supply the relevant registration authority with particulars of the change no later than 28 days after the date of its occurrence.

(3) The relevant registration authority shall make such alterations to the register and to the supplementary record (including the removal of particulars relating to premises which are no longer used for the purposes of a food business) as are necessary to take account of—

- (a) any particulars supplied under paragraph (1) or (2);
- (b) any changes which have come to its attention otherwise than under paragraph (1) or (2).

(4) The registration authority shall not alter particulars relating to a food business under paragraph (3)(b) without having first given the proprietor of the business 28 days prior notice in writing of its intention to do so, and without having considered any representations which he makes to them within that period.

### *Offences*

8.—(1) Any person who contravenes the provisions of regulation 2(1) shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £400.

(2) Any person who permits premises to be used for the purposes of a food business in contravention of regulation 2(2) shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £400.

(3) Any person who contravenes regulation 7(1) or (2) shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £400.

(4) Any person who contravenes the provisions of paragraph 5 of Schedule 3 shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £400.

(5) Any person who for any purpose connected with these Regulations furnishes information which he knows to be false shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £2,000.

(6) Subject to paragraph (7), any person who, otherwise than in the performance of his duty or pursuant to regulation 5 or regulation 6(2), intentionally or recklessly discloses to another person particulars supplied to a registration authority under these Regulations shall be guilty of an offence triable summarily and liable on conviction to a fine not exceeding £2,000.

(7) It shall be a defence for a person charged with an offence under paragraph (6) relating to disclosure of the supplementary record or of any entry in it to show that he did not know, and had no reasonable grounds to suspect, that the person to whom he disclosed the information was not a person to whom such disclosure might lawfully be made.

(8) Paragraphs (1), (5) and (6) of Article 20 of the Order shall apply to an offence under paragraph (1), (2), (3) or (4) of this regulation as they apply to

an offence under any of the provisions of Part II of the Order which precede Article 20.

*Enforcement*

9. Each district council shall enforce and execute the provisions of these Regulations within its district.

*Transitional provisions*

10.—(1) An application for premises to be registered may be made before 1st August 1992 in accordance with regulation 4 as though the provisions of regulations 2 and 3 were in operation.

(2) In relation to premises in respect of which an application is made by virtue of paragraph (1) more than 28 days before 1st August 1992, regulation 4(6) and (7) shall have effect as though for the requirement to register premises within 28 days there were substituted a requirement to register the premises as soon as is reasonably practicable, and in any event by 1st August 1992.

(3) In relation to premises registered or required to be registered in consequence of such an application, the references in regulations 5(1) and 7(1) to premises required to be registered shall be construed as references to premises which would be required by regulation 2(1), or paragraph 5 of Schedule 3, to be registered were regulation 2 in operation.

Sealed with the Official Seal of the Department of Health and Social Services on 27th March 1992.

(L.S.)

*J. Scott*

Assistant Secretary

## REGISTRATION REQUIREMENTS FOR PREMISES WITHIN MARKETS

1. Where relevant moveable premises are used within the area of a market by a person other than the controller of the market, and those premises are not provided by the controller of the market, registration is required by regulation 2(1) in respect of those relevant moveable premises, even though registration may also be required by regulation 2(2) in respect of such of the area of the market as includes the place where the relevant moveable premises are stationed when they are so used.

2. Where relevant moveable premises which are provided by the controller of a market are used within the area of a market by some other person, separate registration of those relevant moveable premises is not required by regulation 2(1) where registration is required by regulation 2(2) in respect of the place where the relevant moveable premises are stationed when they are so used.

3. In this Schedule references to using premises are to using them for the purposes of a food business for five or more days, whether consecutive or not, in any period of five consecutive weeks.

REGISTRATION REQUIREMENTS FOR PERMANENT PREMISES WITHIN OTHER  
PERMANENT PREMISES

1.—(1) This paragraph applies where permanent premises (“the larger premises”) contain one or more smaller permanent premises each of which, if used for the purposes of a food business, is used only for the purpose of one (but not necessarily the same) food business.

(2) Where this paragraph applies, registration is not required by regulation 2(2) in respect of the larger premises, but is required by regulation 2(1) in respect of each of the smaller premises or, in a case where all of the smaller premises which are used for the purpose of a food business are used for the purpose of the same food business, in respect of the smaller premises together.

2. In this Schedule references to using premises are to using them for the purposes of a food business for five or more days, whether consecutive or not, in any period of five consecutive weeks.

## REQUIREMENTS FOR REGISTRATION ARISING FROM USE OF MOVEABLE PREMISES OTHER THAN RELEVANT MOVEABLE PREMISES USED IN MARKETS

1. Moveable premises are exempt from registration under these Regulations, except as provided by Schedule 1, but their use may give rise to a requirement to register permanent premises in accordance with this Schedule.
2. Any use of moveable premises other than relevant moveable premises shall be disregarded for the purposes of determining whether any premises are required to be registered under these Regulations.
3. No use of relevant moveable premises, except their being ordinarily kept at permanent premises, shall give rise to a requirement to register permanent premises under this Schedule.
4. Where permanent premises are used for the purposes of a particular food business only because relevant moveable premises are ordinarily kept there, the permanent premises shall be registered in accordance with regulation 4(4).
5. Subject to paragraph 4, the proprietor of a food business shall not use any permanent premises for the purposes of that business by ordinarily keeping there relevant moveable premises unless—
  - (a) those permanent premises are registered in respect of their use for the purposes of that business; or
  - (b) an application for those premises to be registered in respect of their use for those purposes has been made in accordance with regulation 4(3) to the relevant registration authority at least 28 days before the first day of such use.
6. The ordinary keeping at permanent premises, in the course of a food business, of relevant moveable premises shall not affect any exemption from registration otherwise applicable to the permanent premises.
7. A requirement to register permanent premises under regulation 2(1) in connection with a food business shall not be affected by the ordinary keeping there of relevant moveable premises used for the purposes of another food business.
8. No obligation to register permanent premises under regulation 2(2) shall arise only from the ordinary keeping there of relevant moveable premises for the purposes of more than one food business.

FORM OF APPLICATION FOR REGISTRATION OF FOOD PREMISES

1. Address of premises .....  
(or address at which moveable premises are kept) Post code .....
  
2. Name of food business ..... Telephone No. ....  
(trading name)
  
3. Type of premises. Please tick ALL the boxes that apply
 

Farm/smallholding	<input type="checkbox"/>	Staff restaurant/canteen/kitchen	<input type="checkbox"/>
Food/manufacturing/processing	<input type="checkbox"/>	Catering	<input type="checkbox"/>
Slaughterer	<input type="checkbox"/>	Hospital/residential home/school	<input type="checkbox"/>
Packer	<input type="checkbox"/>	Hotel/pub/guest house	<input type="checkbox"/>
Importer	<input type="checkbox"/>	Private house used for a food business	<input type="checkbox"/>
Wholesale/cash and carry	<input type="checkbox"/>	Premises used by a number of businesses	<input type="checkbox"/>
Distribution/warehousing	<input type="checkbox"/>	Moveable premises	<input type="checkbox"/>
Retailer	<input type="checkbox"/>	Other: please give details .....	
Market	<input type="checkbox"/>	.....	
Restaurant/cafe/snack bar	<input type="checkbox"/>		
  
4. Does your business handle or involve any of the following? Please tick ALL the boxes that apply
 

Chilled foods	<input type="checkbox"/>	Alcoholic drinks	<input type="checkbox"/>
Frozen foods	<input type="checkbox"/>	Canning	<input type="checkbox"/>
Fruit and vegetables	<input type="checkbox"/>	Vacuum packing	<input type="checkbox"/>
Fish/fish products	<input type="checkbox"/>	Bottling and other packing	<input type="checkbox"/>
Fresh/frozen meat	<input type="checkbox"/>	Table meals/snacks	<input type="checkbox"/>
Fresh/frozen poultry	<input type="checkbox"/>	Takeaway food	<input type="checkbox"/>
Meat products or delicatessen	<input type="checkbox"/>	Accommodation	<input type="checkbox"/>
Dairy products	<input type="checkbox"/>	Delivery service	<input type="checkbox"/>
Eggs	<input type="checkbox"/>	Chilled food storage	<input type="checkbox"/>
Bakery	<input type="checkbox"/>	Bulk storage	<input type="checkbox"/>
Sandwiches	<input type="checkbox"/>	Use of private water supply	<input type="checkbox"/>
Confectionery	<input type="checkbox"/>	Other: please give details .....	
Ice cream	<input type="checkbox"/>	.....	
  
5. Are vehicles or ships used for transporting food kept at or used from the premises? Yes/No
 

	Are vehicles, stalls or ships used for preparing or selling food, kept at or used from the premises? Yes/No	Number of vehicles/stalls/ships kept at or used from the premises, and used for preparing, selling or transporting food.
		5 or less <input type="checkbox"/> 6-10 <input type="checkbox"/>
		11-50 <input type="checkbox"/> 51 plus <input type="checkbox"/>

6. Name(s) of proprietor(s) of food business .....  
 Address of business head office or registered office  
 if different from address of premises .....  
 ..... Post code .....

7. Name of manager if different from proprietor .....

8. If this is a new business date you intend to open .....

9. If this is a seasonal business period during which you intend to be open each year .....

10. Number of people engaged in food business  
 Count part-timer(s) (25 hrs per week or less) as one-half

0-10 11-50 51 plus (Please tick one box)

**It is an offence to give false or incomplete information**

*The completed form should be sent to:*

[ ..... ]  
 [ ..... ]

Signature .....  
 Date .....  
 Name .....  
 (BLOCK CAPITALS)  
 Position in company/business .....

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations provide for the registration of food premises (including vehicles and other moveable structures) by district councils.

Regulation 2 and Schedules 1, 2 and 3 set out the criteria for registration, the principal criterion being that the premises are used for the purposes of a food business on five or more days in any period of five weeks. Regulation 3 exempts various categories of premises, those used only for certain purposes, some premises already required to be registered or licensed under other legislation, most vehicles and some domestic premises used for the purposes of a food business.

The procedure for registration, the content of the register and the form of application for registration are prescribed (regulations 4 and 5 and Schedule 4). Provision is made enabling the public to inspect the register after 1st August 1992, and to be supplied with copies of entries, subject to paying any charge imposed by the council (regulation 5(4) and (5)).

A supplementary record, not open to the public, is to be kept and made available for inspection by police officers and authorised officers of enforcement authorities (regulation 6).

Provision is made for the notification of changes in information contained in the register, and for the consequent amendment of the register and the supplementary record (regulation 7).

Criminal offences are created in relation to the use of unregistered premises, permitting the use of unregistered premises, failing to notify a change in registered particulars, furnishing false information and disclosing information from the supplementary record otherwise than in the performance of a duty or as provided for by the Regulations (regulation 8).

The Regulations are to be enforced and executed by district councils (regulation 9).

Provision is made for voluntary registration before the Regulations come fully into operation (regulation 10).