
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 83

FOOD

**Food Safety (Fishery Products and Live Shellfish) (Hygiene)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - 25th February 1999

Coming into operation—

Regulations 1 to 3 12th April 1999

*Regulation 4 and the
Schedule—*

*in accordance with
regulation 1(3)*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(1) and 48(2) of the Food Safety (Northern Ireland) Order 1991⁽¹⁾ and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment) Regulations (Northern Ireland) 1999.

(2) Regulations 1 to 3 shall come into operation on 12th April 1999.

(3) Regulation 4 and the Schedule shall come into operation after regulations 1 to 3 on 12th April 1999 or, if later, the first date on which the Commission introduce in accordance with the procedure laid down in Article 12 of the Council Directive 91/492/EEC⁽²⁾ a standard registration document within the meaning of Council Directive 97/61/EC⁽³⁾.

(4) In these Regulations “the principal Regulations” means the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations (Northern Ireland) 1998⁽⁴⁾.

(1) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). See Article 2(2) for the definition of “regulations”

(2) O.J. No. L268, 24.9.91, p. 1; Council Directive 91/492/EEC was last amended by Council Directive 97/61/EEC, O.J. No. L295, 29.10.97, p. 35

(3) O.J. No. L295, 29.10.97, p. 35

(4) S.R. 1998 No. 207

Amendment of regulation 2(1) of the principal Regulations

- 2.—(1) In regulation 2(1) (interpretation) of the principal Regulations—
- (a) in the definition of “movement document”, for “paragraph 6(4) and (5)” in paragraphs (a) and (c) of the definition there shall be substituted in both places “paragraphs 6(4) and 6A”;
 - (b) in the definition of “permanent transport authorisation”, in paragraph (a), for “paragraph 6(8) of Chapter II” there shall be substituted “paragraph 6A(8) of Chapter II”.

Amendment of Schedule 2 to the principal Regulations

3.—(1) Schedule 2 (production and placing on the market; conditions for live shellfish) to the principal Regulations shall be amended in accordance with the following paragraphs.

(2) In Chapter II (requirements for harvesting and transportation of batches to a dispatch or purification centre, relaying area or processing plant)—

- (a) paragraph 6(1) to (3) and (5) to (8) shall be deleted;
- (b) in paragraph 6(4) (live shellfish movement document form)—
 - (i) after “location of production area” there shall be inserted “described in as precise detail as practicable”;
 - (ii) at the end of the box for the signature of the gatherer there shall be inserted “Date of Signature”; and
 - (iii) in the REMINDER, for “not less than 60 days” there shall be substituted “not less than 12 months and the gatherer is to keep a copy for the same period.”;
- (c) the following paragraph shall be inserted after paragraph 6—

“6A.—(1) A movement document for the identification of batches of live shellfish during transport from the production area to a dispatch centre, purification centre, relaying area or processing plant shall be issued by the district council at the request of the gatherer.

(2) The gatherer shall ensure that the completed movement document accompanies each batches at all times.

(3) If a batch in respect of which a movement document has been issued is split for any reason, the person having control of the original batch at the time of the splitting shall ensure that the information accompanying the original batch accompanies each sub-batch in the same form as the movement document together with the full name and address of the person splitting the batch.

(4) Subject to paragraph (8), for each batch of live shellfish which are transported from the production area to a dispatch centre, purification centre, relaying area or processing plant—

- (a) the gatherer must complete legibly and indelibly the relevant sections of the movement document with the following information—
 - (i) the gatherer’s name and address;
 - (ii) the date of harvesting;
 - (iii) the location of the production area described in as precise detail as is practicable;
 - (iv) if the movement document relates to live bivalve molluscs, the class of the production area as referred to in Chapter I;
 - (v) the shellfish species and quantity indicated in as precise detail as is practicable;

(vi) the place of destination for wrapping, relaying, purification or processing and, where applicable, the approval number; and

(b) the movement document must be dated and signed by the gatherer.

(5) Movement documents must be numbered regularly and in sequence and the district council must keep a register which indicates the numbers of the movement document together with the names of the persons to whom they were issued.

(6) Subject to paragraph (8), the person receiving a movement document for a batch of live shellfish shall put on it the date on which it is received by, as the case may be, a dispatch centre, purification centre, relaying area or processing plant and he shall keep it available for inspection for at least 12 months.

(7) The gatherer shall keep a copy of each such movement document for at least 12 months.

(8) However, if gathering is or is to be carried out by a person employed by the person who operates the dispatch centre, purification centre, relaying area or processing plant of destination, the district council may, if satisfied that the gatherer will comply with the requirements of Part II concerning gathering and handling, issue to the gatherer a permanent transport authorisation (which may be withdrawn at any time) absolving the gatherer from the requirement to use movement documents for transfers from a production area specified in that authorisation to a dispatch centre, purification centre, relaying area or processing plant specified in that authorisation.”.

(3) In Chapter III (conditions for relaying live bivalve molluscs), in paragraph 9 for “the movement document referred to in paragraph 6 of Chapter II,” there shall be substituted “a movement document which, in addition to the other information required to be set out in it, includes information on the location of the relaying area and the duration of relaying, together with any other information needed to identify and trace the product,”.

(4) In Chapter IV, Section III (requirements for purification centres), in paragraph 13 after “provide a movement document” there shall be inserted “(which, in addition to the other information required to be set out in it, sets out the approval number and address of the purification centre and the duration of purification, the dates of entering and leaving the purification centre, together with any other information needed to identify and trace the product)”.

(5) In Chapter IV, Section IV (requirements for dispatch centres)—

(a) in paragraph 2, for “the movement document referred to in paragraph 6 of Chapter II,” there shall be substituted “a movement document”;

(b) the following paragraph shall be substituted for paragraph 4—

- “4. Dispatch centres must keep the following at the disposal of the district council—
- the results of microbiological tests on live bivalve molluscs from an approved production area or relaying area or from a purification plant;
 - the dates and quantities of live shellfish delivered to the dispatch centre, together with the corresponding movement documents;
 - dispatch details including the names and addresses of consignees, the dates and quantities of live shellfish dispatched, together with the corresponding entry movement document numbers;

and they must be classified chronologically and preserved for a period to be laid down by the district council, but not less than 12 months.”.

(6) In Chapter V (requirements concerning live shellfish), after paragraph 7 there shall be inserted the following paragraph—

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“7A. the total Amnesic Shellfish Poison (ASP) content in the edible parts of molluscs (the entire body or any part edible separately) must not exceed 20 micrograms of domoic acid per gram using the HPLC method;”.

Amendment relating to the introduction of the standard registration document

4. The Schedule (amendments relating to the introduction of the standard registration document) shall have effect.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

25th February 1999.

W. B. Smith
Assistant Secretary

SCHEDULE

Regulations 1(3) and 4

Amendments relating to the introduction of the standard registration document

Amendment of regulation 2(1) of the principal Regulations

1. In regulation 2(1) (interpretation)—
 - (a) the definition of “movement document” shall be deleted;
 - (b) after the definition of “purification centre” there shall be inserted—

““registration document” means a document for the identification of live shellfish during transport from a production area to a dispatch centre, purification centre, relaying area or processing plant which—

 - (a) conforms with the standard registration document contained in a measure intended to give effect to the requirements of paragraph 6 of Chapter II of the Live Bivalve Molluscs Directive⁽⁵⁾ that has been made in accordance with the procedure laid down in Article 12 of the Live Bivalve Molluscs Directive; and
 - (b) is issued by—
 - (i) a competent authority within the meaning of the Live Bivalve Molluscs Directive; or
 - (ii) where the document meets the requirements of that Directive and any law in force in the Channel Islands or the Isle of Man, a competent authority in those Islands or that Isle;”.

Amendment of regulation 19 of the principal Regulations

2. In regulation 19(1)(b) (placing live shellfish on the market) of the principal Regulations, for “movement document” there shall be substituted “registration document”.

Amendment of regulation 38 of the principal Regulations

3. In regulation 38(2) (placing processed shellfish on the market), for “movement documents” there shall be substituted “registration documents”.

Amendment of Schedule 2 to the principal Regulations

4. In Schedule 2 (production and placing on the market; conditions for live shellfish) to the principal Regulations, in Chapter II (requirements for harvesting and transportation of batches to a dispatch or purification centre, relaying area or processing plant), paragraph 6(4) shall be deleted.

Amendment of references to movement documents in Schedule 2 to the principal Regulations

- 5.—(1) For “movement document” in each place in which it occurs in the following provision of Schedule 2 to the principal Regulations there shall be substituted “registration document”—
 - (a) Chapter II, paragraph 6A;
 - (b) Chapter III, paragraph 9;
 - (c) Chapter IV, Section III, paragraphs 12 and 13;
 - (d) Chapter IV, Section IV, paragraphs 2 and 4.

(5) The relevant amending instrument is Council Directive 97/61/EC (O.J. No. L295, 29.10.97, p. 35)

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(2) For “movement documents” in each place in which it occurs in the following provisions of Schedule 2 to the principal Regulations there shall be substituted “registration documents”—

- (a) Chapter II, paragraph 6A(5) and 7;
- (b) Chapter IV, Section IV, paragraph 4.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment) Regulations (Northern Ireland) 1998 (“the principal Regulations”) to implement Council Directive [97/61/EC](#) (O.J. No. L295, 29.10.97, p. 35) (“the Directive”) which amends Council Directive [91/492/EEC](#) on the health conditions for the production and placing on the market of live bivalve molluscs (O.J. No. L268, 24.9.91, p.1, as amended and as adapted for the purposes of the EEA Agreement).

Regulation 2 amends the definition of “movement document” to implement those changes to the definition which can be implemented before the introduction of the standard registration document.

Regulation 3 implements several requirements of the Directive relating to the information which must be given in the documents which must accompany live shellfish when they are moved. It also implements Article 1.5 of the Directive which restricts the total Amnesic Shellfish Poison content in the edible parts of molluscs.

Regulation 4 and the Schedule implement the remaining requirements of the Directive. They relate to the introduction of registration documents based on a standard registration document which the Commission is required to introduce. These registration documents will replace the movement documents which at present accompany live shellfish when they are moved. Regulation 1(3) will bring regulation 4 and the Schedule into operation when the European Community introduce the standard registration document.