
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 191

FOOD

**Meat (Enhanced Enforcement Powers) Regulations
(Northern Ireland) 2000**

Made 22nd May 2000

Coming into operation 30th June 2000

ARRANGEMENT OF REGULATIONS

1. Citation, commencement and interpretation.
2. Amendments to the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997.
3. Amendments to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995.
4. Amendments to the Meat Products (Hygiene) Regulations (Northern Ireland) 1997.
5. Amendments to the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997.
6. Amendments to the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998.

Whereas it appears to the Department of Health, Social Services and Public Safety(a) that it is necessary or expedient—

(a) for the purpose of securing that food complies with food safety requirements and in the interests of the public health; and

(b) for the purpose of protecting or promoting the interests of consumers, to make the following Regulations;

Now, therefore, that Department, in exercise of the powers conferred by Articles 15(1) to (3), 16(1), 18(1), 25, 26(3), 47(2) and 48(2) of, and paragraphs 5, 6(1) and 7(1) and (2) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(b) and of every power enabling it in that behalf, and being a Department designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 Article 3
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) S.I. 1972/1811
(d) 1972 c. 68

in that behalf, after consultation in accordance with Article 47(3) of the said Order of 1991 with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations and having regard, in accordance with Article 47(3A) of the said Order of 1991 to any relevant advice given by the Food Standards Agency, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 and shall come into operation on 30th June 2000.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997

2.—(1) The Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(b) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition of “health mark” for the words “regulation 11” there shall be substituted “regulation 10”; and

(b) in the definition of “OVS” for the words “regulation 8” there shall be substituted “regulation 7”.

(3) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical position—

“ “associate”, in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means—

(a) if the person so entitled is a natural person—

(i) his husband, wife, son or daughter (including a stepson or step-daughter);

(ii) any body corporate of which he is a director; and

(iii) any person who is his employee or partner;

(b) if the person so entitled is a body corporate—

(i) any of its directors;

(ii) any body corporate which is a subsidiary of it;

(iii) any employee or director of any such subsidiary;

(iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common; and

(v) any employee or director of any such subsidiary; and

(a) 1954 c. 33 (N.I.)

(b) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237 and S.R. 2000 No. 78

- (c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement—
 - (i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition; or
 - (ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;”;

“ “controller”, in relation to any occupier of any licensed premises which is a body corporate, means a person—

- (a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or
- (b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;”;

“ “director” means—

- (a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;
- (b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person; or
- (c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;”;

“ “manager” means a person who exercises managerial functions in relation to any premises;”;

“ “subsidiary” and “holding company” mean respectively a “subsidiary” and a “holding company” within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(a);”.

(4) In regulation 3 (exemptions) the phrase “Subject to regulation 3A,” shall be inserted at the beginning.

(5) The following regulation shall be inserted between regulation 3 and regulation 4 (issue of licences)—

“Obligations on persons engaged in otherwise exempt activities

3A.—(1) A person who (by virtue of regulation 3(f)) is stated to be exempt from these Regulations shall not—

- (a) sell, offer for sale or expose for sale; or
- (b) possess with a view to sale or preparation for sale,

(a) S.I. 1986/1032 (N.I. 6); Article 4 was substituted by Article 62(1) of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

any fresh meat intended for human consumption unless each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3(f), regulations 2, 20, 21 and 22 shall apply in respect of the prohibition imposed by paragraph (1).”.

(6) Paragraph (1) of regulation 4 (issue of licences) shall be replaced by the following—

“(1) A person shall not carry on the business of a slaughterhouse, a cutting premises, a repackaging centre, a cold store, a farmed game handling facility or a farmed game processing facility unless—

(a) the premises concerned are licensed for the business concerned by the Agency;

(b) that person complies with any conditions to which the licence is subject; and

(c) that person—

(i) applies for the licence for those premises on or after the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000;

(ii) was the occupier of those premises on the date of coming into operation of those Regulations and has not failed to comply with the obligation in regulation 6A;

(iii) (subsequent to the grant of the licence or the date of coming into operation of those Regulations, whichever is later) notified the Agency in accordance with regulation 4A(3) of his intention to carry on that business there; or

(iv) (where the previous occupier of those premises was a natural person) is the personal representative or a member of the family of the previous occupier, and that previous occupier died less than one month previously.”.

(7) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4—

“(3A) Each application for a licence under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.”.

(8) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of licences)—

“Change of directors, managers and controllers of occupiers of licensed premises and change of occupier of such premises

4A.—(1) The occupier of licensed premises shall notify the Agency of any change in the identity or principal business address of his directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) An occupier of licensed premises shall not transfer possession of or allow another person to occupy those premises for the purposes of

carrying on any activity permitted by the licence unless he notifies the Agency of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy licensed premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are licensed shall notify the Agency at least 21 days before he occupies them of his intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his family, but the successor shall notify the Agency of his name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier.”.

(9) In paragraph (1)(b) of regulation 5 the words “as to hygiene” shall be deleted.

(10) Paragraph (1)(c) of regulation 5 shall be replaced with the following—

“(c) any condition attached to the licence has not been complied with;”.

(11) Paragraph (4) of regulation 5 shall be replaced by the following—

“(4) Where the Agency has revoked the licence of any premises, a person who, immediately before such revocation, had been using those premises may continue to use them, subject to any reasonable conditions imposed by the Agency for the protection of public health, unless—

(a) the time for appealing against the Agency's decision has expired without an appeal having been lodged; and

(b) (where an appeal has been lodged within the one month period stipulated in Article 37(2A) of the Order) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) shall permit premises to be used if—

(a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to Article 10, 11 or 12 of the Order; or

(b) the Agency has suspended the licence of the premises pursuant to regulation 5A.”.

(12) The following regulation shall be inserted between regulation 5 and regulation 6 (animals not intended for sale for human consumption)—

“Suspension of licences

5A.—(1) The Agency may suspend a licence granted in respect of any premises where—

(a) it appears to it that—

- (i) any requirement of these Regulations in relation to the premises is being breached there; or
 - (ii) adequate health inspection in accordance with these Regulations is being hampered there; or
- (b) a notice has been served in relation to those premises pursuant to regulation 9(1), and—
- (i) the Agency is not satisfied that the action specified in the notice has been taken within the time specified there, and
 - (ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered there.

(2) Where the Agency intends to suspend a licence pursuant to paragraph (1), it shall give notice in writing to the occupier of the premises, informing him of—

- (a) its decision to suspend the licence;
- (b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);
- (c) the matters which must be remedied in order for the suspension to be lifted; and
- (d) his right to appeal to a court of summary jurisdiction, and of the period within which such an appeal may be brought.

(3) Insofar as a licence is suspended pursuant to paragraph (1), the premises in respect of which that licence was granted shall be treated for the purposes of these Regulations as if they were not licensed premises.

(4) The Agency shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in paragraph (2) have been remedied and may lift the suspension of any licence in any other case.

(5) Where the Agency lifts a suspension pursuant to paragraph (4), it shall do so by notice specifying the date on which it is lifted.”.

(13) The following regulation shall be inserted into Part II, after regulation 6—

“Provision of information by current occupiers of licensed premises

6A. Every person who is the occupier of licensed premises at the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 shall notify the Agency of—

- (a) his identity and principal business address;
- (b) the identity and principal business address of each of his managers and (if applicable) directors and controllers; and
- (c) the address of those licensed premises (where different from the address required to be notified under paragraph (a)),

within 3 months of the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000.”.

(14) In paragraph (1) of regulation 7 (supervision of premises), the following sub-paragraph shall be added between sub-paragraphs (a) and (b)—

“(aA) the inspection of the records kept by the occupier pursuant to regulation 19(1)(a), (e) and (f) and otherwise monitoring the occupier’s compliance with his duties under regulation 19;”.

(15) In paragraph (1)(a) of regulation 9 (powers of OVSs and veterinary officers) the words “as to hygiene” shall be deleted.

(16) Subdivision (ii) of regulation 9(1) shall be replaced by the following—

“(ii) impose conditions upon or prohibit the carrying out of any process; or

(iii) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely;”.

(17) In paragraph (1) of regulation 12 (general conditions)—

(a) sub-paragraph (a) shall be replaced by the following—

“(a) without prejudice to the specific conditions set out in the following sub-paragraphs, each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out;”;

(b) in sub-paragraph (g), before the words “cold store” there shall be inserted the word “licensed”.

(18) Paragraph (1)(a) of regulation 19 (duties of occupier) shall be replaced with the following—

“(a) shall make (and retain for a period of at least one year from the date of making) a record sufficient to show—

(i) the number of animals and where appropriate the mass (measured in tonnes) of meat entering the premises in each week, in each case identified by species; and

(ii) the mass (measured in tonnes) of fresh meat dispatched from those premises in each week;”.

(19) Paragraph (1)(e) of regulation 19 shall be replaced with the following—

“(e) shall as soon as is practicable after the completion of the checks concerned make and retain for a period of at least one year from the date of making a record of any check carried out pursuant to sub-paragraph (d);”.

(20) Paragraph (1)(f) of regulation 19 shall be replaced with the following—

“(f) shall as soon as is practicable after getting the results concerned make and retain for a period of at least one year from the date of making a record of the results of water testing on the premises;”.

(21) Paragraph (2) of regulation 19 shall be revoked.

(22) In regulation 20 (offences and penalties)—

- (a) paragraph (1) and the word “other” in paragraph (2)(a) shall be deleted; and
 - (b) in paragraph (3) the phrase “Nothing in paragraph (2) shall apply” shall be substituted for the phrase “Neither paragraph (1) nor paragraph (2) applies”.
- (23) Regulation 22 (supervision and enforcement) shall be replaced by the following—

“Enforcement

22.—(1) These Regulations shall be enforced and executed—

- (a) in relation to licensed premises by the Agency; and
- (b) in relation to any place other than licensed premises by the Agency or any district council or by the Agency and any district council acting jointly.

(2) On an inspection of any meat in licensed premises an OVS may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(3) On an inspection of any meat at any place other than licensed premises an OVS or an authorised officer of a district council may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(4) Where any meat is certified as mentioned in paragraph (2) or (3) it may be treated for the purposes of Article 8 of the Order as failing to comply with food safety requirements.”.

(24) In paragraph 1(e) of Part I of Schedule 6 for the words “regulation 14(1)(b)” there shall be substituted the words “regulation 12(1)(b)”.

(25) In paragraph 1(1)(m)(iii) of Schedule 9 for the words “regulation 18(2)” there shall be substituted the words “regulation 17(2)”.

(26) In paragraph 3(2) of Schedule 12 for the word “applies” there shall be substituted the word “applied”.

Amendments to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995

3.—(1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(a) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation) for the definition of “authorised person” there shall be substituted the following definition—

““authorised person” means any person who is authorised, either generally or specially, by the Agency or, as the case may be, a district council, to act in relation to matters arising under these Regulations;”.

(3) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions—

(a) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237 and S.R. 2000 No. 78

“ “associate”, in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means—

- (a) if the person so entitled is a natural person—
 - (i) his husband, wife, son or daughter (including a stepson or step-daughter),
 - (ii) any body corporate of which he is a director,
 - (iii) any person who is his employee or partner;
- (b) if the person so entitled is a body corporate—
 - (i) any of its directors,
 - (ii) any body corporate which is a subsidiary of it,
 - (iii) any employee or director of any such subsidiary,
 - (iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common,
 - (v) any employee or director of any such subsidiary; and
- (c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement—
 - (i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition, or
 - (ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;”;

“ “controller”, in relation to the occupier of any licensed premises which is a body corporate, means a person—

- (a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or
- (b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;”;

“ “director” means—

- (a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;
- (b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;
- (c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;”;

“ “manager” means a person who exercises managerial functions in relation to any premises;”;

““subsidiary” and “holding company” mean respectively a “subsidiary” and a “holding company” within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(a);”.

(4) Paragraph (1) of regulation 4 (issue of licences) shall be replaced with the following—

“(1) A person shall not carry on the business of a slaughterhouse, a cutting premises, a cold store or a re-wrapping centre unless—

- (a) the premises concerned are licensed for the business concerned by the Agency;
- (b) that person complies with any conditions to which the licence is subject; and
- (c) that person—
 - (i) applies for the licence for those premises on or after the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000;
 - (ii) was the occupier of those premises on the date of coming into operation of those Regulations and has not failed to comply with the obligation in regulation 7A,
 - (iii) (subsequent to the grant of the licence or the date of coming into operation of those Regulations, whichever is later) notified the Agency in accordance with regulation 4A(3) of his intention to carry on that business there, or
 - (iv) (where the previous occupier of those premises was a natural person) is the personal representative or a member of the family of the previous occupier, and that previous occupier died less than one month previously.”.

(5) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4—

“(3A) Each application for a licence under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.”.

(6) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of licences)—

“Change of directors, managers and controllers of occupiers of licensed premises and change of occupier of such premises

4A.—(1) The occupier of licensed premises shall notify the Agency of any change in the identity or principal business address of his directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) An occupier of licensed premises shall not transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the licence unless he notifies the

(a) S.I. 1986/1032 (N.I. 6); Article 4 was substituted by Article 62(1) of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10)) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

Agency of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy licensed premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are licensed shall notify the Agency at least 21 days before he occupies them of his intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his family, but the successor shall notify the Agency of his name and principal business address within one month of the death.

(5) Any notification pursuant to paragraph (2), (3) or (4) shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier."

(7) In paragraph (1)(b) of regulation 5 the words "as to hygiene" shall be revoked.

(8) Paragraph (1)(d) of regulation 5 shall be replaced with the following—

"(d) any condition attached to the licence has not been complied with;"

(9) The following regulation shall be inserted between regulation 5 and regulation 6 (appeals)—

"Suspension of licences

5A.—(1) The Agency may suspend a licence granted in respect of any premises where—

(a) it appears to it that—

- (i) any requirement of these Regulations in relation to the premises is being breached, or
- (ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served on those premises pursuant to regulation 9(1), and—

- (i) the Agency is not satisfied that the action specified in the notice has been taken within the time specified there, and
- (ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where the Agency intends to suspend a licence pursuant to paragraph (1), it shall give notice in writing to the occupier of the premises, informing him of—

(a) its decision to suspend the licence;

- (b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);
- (c) the matters which must be remedied in order for the suspension to be lifted;
- (d) his right to appeal under regulation 6, and of the time within such an appeal must be made.

(3) Insofar as a licence has been suspended pursuant to paragraph (1), the premises in respect of which that licence was granted shall be treated for the purposes of these Regulations as if they were not licensed premises.

(4) The Agency shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in paragraph (2) have been remedied and may lift the suspension of any licence in any other case.

(5) Where the Agency lifts a suspension pursuant to paragraph (4), it shall do so by notice specifying the date on which it is lifted.”.

(10) Paragraph (1) of regulation 6 shall be replaced with the following—

“(1) Where the Agency—

- (a) has refused to license any premises;
- (b) has granted a licence subject to conditions, or has subsequently imposed conditions on a licence;
- (c) has suspended the licence of any premises; or
- (d) has revoked the licence of any premises,

the occupier of those premises may within 21 days of being notified of that decision, appeal to a court of summary jurisdiction.”.

(11) Paragraphs (3) and (4) of regulation 6 shall be replaced with the following—

“(3) Where on an appeal under paragraph (1) a court of summary jurisdiction determines that—

- (a) the grant of a licence should not have been refused;
- (b) conditions have unreasonably been attached to a licence;
- (c) a licence should not have been suspended; or
- (d) a licence should not have been revoked,

the Agency shall give effect to the determination of the court.”.

(12) Paragraph (5) of regulation 6 shall be replaced with the following—

“(4) Where the Agency has revoked the licence of any premises under regulation 5, a person who, immediately before such revocation, had been using those premises may continue to use them, subject to any reasonable conditions imposed by the Agency for the protection of public health, unless—

- (a) the time for appealing against the Agency’s decision has expired without an appeal having been lodged; and

- (b) (where an appeal has been lodged within the 21-day period stipulated in paragraph (1)) the appeal has been finally disposed of or abandoned.
- (5) Nothing in paragraph (4) shall permit premises to be used if—
 - (a) a prohibition order, an emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to Article 10, 11 or 12 of the Food Safety (Northern Ireland) Order 1991; or
 - (b) the Agency has suspended the licence of the premises pursuant to regulation 5A.”.

(13) The following regulation shall be inserted into Part II, after regulation 7—

“Provision of information by current occupiers of licensed premises

7A. Every person who is the occupier of licensed premises on the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 shall notify the Agency of—

- (a) his identity and principal business address;
- (b) the identity and principal business address of each of his managers and (if applicable) directors, and controllers; and
- (c) the address of those licensed premises (where different from the address required to be notified under paragraph (a)),

within 3 months of the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000”.

(14) In paragraph (1) of regulation 8 (supervision of premises), the following sub-paragraph shall be inserted between sub-paragraphs (a) and (b)—

“(aA) the inspection of the records required to be kept by the occupier pursuant to regulation 17(1)(a) and (e)(i) and otherwise monitoring the occupier’s compliance with his duties under regulation 17;”.

(15) In paragraph (1)(a) of regulation 9 (powers of official veterinary surgeons) the words “as to hygiene” shall be revoked.

(16) Subdivision (ii) of regulation 9(1) shall be replaced by the following—

- “(ii) impose conditions upon or prohibit the carrying out of any process, or
- (iii) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely,”.

(17) In paragraph (1) of regulation 13 (general conditions) sub-paragraph (a) shall be replaced with the following—

“(a) without prejudice to the specific conditions set out in the following sub-paragraphs, each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out;”.

(18) Paragraph (1)(a) of regulation 17 (duties of occupier) shall be replaced with the following—

“(a) make (and retain for a period of at least one year from the date of making) a record sufficient to show—

- (i) the number of birds and rabbits and where appropriate the mass (measured in tonnes) of meat entering the premises in each week, in each case identified by species; and
- (ii) the mass (measured in tonnes) of fresh meat dispatched from those premises in each week;”.

(19) In regulation 21 (offences and penalties)—

(a) paragraph (1) shall be revoked;

(b) paragraph (2)(a) shall be replaced with the following—

“(a) any provision of these Regulations;”; and

(c) in paragraph (3) the phrase “Neither paragraph (1) nor paragraph (2) applies” shall be replaced by the phrase “Nothing in paragraph (2) shall apply”.

(20) Regulation 23 (enforcement) shall be replaced by the following—

“*Enforcement*

23.—(1) Subject to paragraph (2) these Regulations shall be executed and enforced—

(a) in relation to licensed premises by the Agency; and

(b) in relation to any place other than licensed premises by the Agency or any district council or by the Agency and any district council acting jointly.

(2) Each district council shall execute and enforce regulation 3(3) and (4).

(3) On an inspection of any meat in licensed premises an official veterinary surgeon may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(4) On an inspection of any meat at any place other than licensed premises an official veterinary surgeon or a person authorised by a district council may certify that the meat has not been produced, stored or transported in accordance with these Regulations.

(5) Where any meat is certified as mentioned in paragraph (3) or (4) it may be treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements.”.

Amendments to the Meat Products (Hygiene) Regulations (Northern Ireland) 1997

4.—(1) The Meat Products (Hygiene) Regulations (Northern Ireland) 1997(a) shall be amended in accordance with the following paragraphs.

(a) S.R. 1997 No. 494 as amended by S.R. 1999 No. 193 and S.R. 2000 No. 78

(2) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions—

“ “associate”, in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means—

- (a) if the person so entitled is a natural person—
 - (i) his husband, wife, son or daughter (including a stepson or step-daughter);
 - (ii) any body corporate of which he is a director; and
 - (iii) any person who is his employee or partner;
- (b) if the person so entitled is a body corporate—
 - (i) any of its directors;
 - (ii) any body corporate which is a subsidiary of it;
 - (iii) any employee or director of any such subsidiary;
 - (iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common; and
 - (v) any employee or director of any such subsidiary; and
- (c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement—
 - (i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition; or
 - (ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate;

that other person;”;

“ “controller”, in relation to any occupier of any premises which is a body corporate, means a person—

- (a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or
- (b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;”;

“ “director” means—

- (a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;
- (b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;
- (c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;”;

“ “manager” means a person who exercises managerial functions in relation to any premises;”;

“ “premises” means any premises subject to the requirements of regulation 4 or 5;”;

“ “subsidiary” and “holding company” mean respectively a “subsidiary” and a “holding company” within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(a);”.

(3) In regulation 3 (exemption) the phrase “Subject to regulation 3A” shall be inserted at the beginning.

(4) The following regulation shall be inserted into Part I immediately after regulation 3—

“Obligations on persons engaged in otherwise exempt activities

3A.—(1) A person who (by virtue of regulation 3) is stated to be exempt from these Regulations shall not—

(a) sell, offer for sale or expose for sale; or

(b) possess for the purpose of or preparation for sale,

any meat products or other products of animal origin unless—

(a) each operation in relation to the raw materials for those meat products or other products of animal origin required to have been carried out in compliance with the Hygiene Regulations has been so carried out; and

(b) each operation in relation to those meat products or other products of animal origin required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3, regulations 2, 19, 20, 21 and 22 shall apply in respect of the prohibitions imposed by paragraph (1).”.

(5) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4 (approvals of premises other than ambient stores, rewinding centres and cold stores)—

“(3A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.”.

(6) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 5 (approval of ambient stores, rewinding centres and cold stores)—

“(3A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.”.

(7) The following regulation shall be inserted between regulation 5 and regulation 6 (revocation of approvals)—

(a) S.I. 1986/1032 (N.I. 6); Article 4 was substituted by Article 62(1) of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

“Change of directors, managers and controllers of occupiers of approved premises and change of occupier of such premises

5A.—(1) The occupier of any premises approved under regulation 4 or 5 shall notify the approval authority of any change in the identity or principal business address of his directors, managers or controller as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) An occupier of any premises approved under regulation 4 or 5 shall not transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted there by these Regulations unless he notifies the approval authority of that person’s name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy premises approved under regulation 4 or 5 (whether alone or jointly) for the purposes of carrying on any business for which those premises are approved shall notify the approval authority at least 21 days before he occupies them of his intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) shall not apply to occupation of those premises by the deceased’s personal representatives or by any member of his family, but the successor shall notify the approval authority of his name and principal business address within one month of the death.

(5) Any notification pursuant to paragraph (2), (3) or (4) shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier.”.

(8) In paragraph (1) of regulation 6, the words “Subject to paragraph (3) and to regulation 7(3),” shall be revoked.

(9) The following sub-paragraph shall be inserted between sub-paragraph (a) and (b) of paragraph (1) of regulation 6—

“(aA) that any condition attached to the approval has not been complied with;”.

(10) Paragraph (3) of regulation 6 shall be revoked.

(11) The following regulation shall be inserted between regulation 6 and regulation 7 (right of appeal)—

“Suspension of approvals

6A.—(1) An approval authority may suspend an approval granted under regulation 4 or 5 in respect of any premises where—

(a) it appears to it that—

- (i) any requirement of these Regulations in relation to the premises is being breached; or
- (ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in relation to those premises pursuant to regulation 19A(1), and—

- (i) the approval authority is not satisfied that the action specified in the notice has been taken within the time specified in it; and
- (ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where an approval authority intends to suspend an approval pursuant to paragraph (1), it shall give notice in writing to the occupier of the premises, informing him of—

- (a) its decision to suspend the approval;
- (b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);
- (c) the matters which must be remedied in order for the suspension to be lifted; and
- (d) his right to appeal to a magistrates' court, and of the period within which such an appeal may be brought.

(3) Where an approval is suspended pursuant to paragraph (1), the premises in respect of which that approval was granted shall be treated for the purposes of these Regulations as if they were not approved premises.

(4) The approval authority shall lift the suspension of any approval where—

- (a) it is satisfied that the matters specified in the notice referred to in paragraph (2) have been remedied; or
- (b) where a magistrates' court has determined under regulation 7(3) that the approval should not have been suspended,

and may lift the suspension of any approval in any other case.

(5) Where the approval authority lifts a suspension pursuant to paragraph (4), it shall do so by notice specifying the date on which it is lifted.”.

(12) The following paragraph shall be substituted for paragraph (1) of regulation 7—

“(1) Any person who is aggrieved by—

- (a) the refusal of an approval authority to approve any premises;
- (b) the decision by an approval authority to grant an approval subject to conditions or to attach conditions to an existing approval;
- (c) the decision by an approval authority to suspend an approval; or
- (d) the decision by an approval authority to revoke an approval,

may appeal to a magistrates' court.”.

(13) The following paragraphs shall be substituted for paragraph (3) of regulation 7—

“(3) Where on an appeal under paragraph (1) a magistrates' court determines that—

- (a) the grant of an approval should not have been refused;
- (b) conditions have unreasonably been attached to an approval;
- (c) an approval should not have been suspended; or
- (d) an approval should not have been revoked,

the approval authority shall give effect to the determination of the court concerned.

(4) Where an approval authority has revoked the approval of any premises under regulation 6, a person who, immediately before such revocation, had been using those premises may continue to use them, subject to any reasonable conditions imposed by the approval authority for the protection of public health, unless—

- (a) the time for appealing against the approval authority’s decision has expired without an appeal having been lodged; and
 - (b) (where an appeal has been lodged) the appeal has been finally disposed of or abandoned.
- (5) Nothing in paragraph (4) shall permit premises to be used if—
- (a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to Article 10, 11 or 12 of the Order; or
 - (b) the approval authority has suspended the approval of the premises pursuant to regulation 6A.”.

(14) The following regulation shall be inserted into Part II, after regulation

7—

“Provision of information by current occupiers of approved premises

7A. Every person who is the occupier of premises approved under regulation 4 or 5 at the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 shall notify the approval authority of—

- (a) his identity and principal business address;
- (b) the identity and principal business address of each of his managers and (if applicable) directors and controllers; and
- (c) the address of those approved premises (where different from the address required to be notified under sub-paragraph (a)),

within 3 months of the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000.”.

(15) The following paragraphs shall be inserted at the end of regulation 19 (supervision and enforcement)—

“(3) On an inspection of any meat product an authorised officer of an enforcement authority may certify that the meat product concerned has not been handled, stored or transported in accordance with these Regulations.

(4) Where any meat product is certified as mentioned in paragraph (3) it shall be treated for the purposes of Article 8 of the Order as failing to comply with food safety requirements.”.

(16) The following regulation shall be inserted between regulation 19 and regulation 20 (offences and penalties)—

“Powers of authorised officers

19A.—(1) Where it appears to an authorised officer of an enforcement authority that in respect of any premises approved under regulation 4 or 5—

- (a) any of the requirements of these Regulations is being breached;
or
- (b) adequate health inspection in accordance with these Regulations is being hampered,

he may, by notice in writing given to the occupier of the premises concerned—

- (c) prohibit the use of any equipment or any part of the premises specified in the notice,
- (d) impose conditions upon or prohibit the carrying out of any process, or
- (e) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.

(2) A notice given under paragraph (1) shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a), it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as an authorised officer of an enforcement authority is satisfied that such action has been taken.

(5) The issue of a notice pursuant to paragraph (1) in respect of premises approved under regulation 4 or 5 shall be treated for the purposes of these Regulations as the attachment of conditions to the approval for those premises.”.

(17) In subdivision (i) of regulation 20(1), for the words “level 5 on the standard scale” there shall be substituted the words “statutory maximum”.

(18) The following entry shall be inserted in the appropriate numerical position in the list of provisions of the Food Safety (Northern Ireland) Order 1991 contained in regulation 21 (application of various Articles of the Food Safety (Northern Ireland) Order 1991)—

“Article 8 (inspection and seizure of suspected food);”.

Amendments to the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997

5.—(1) The Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(a) shall be amended in accordance with the following paragraphs.

(a) S.R. 1997 No. 495 as amended by S.R. 2000 No. 78

(2) In regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions—

“ “associate”, in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means—

- (a) if the person so entitled is a natural person—
 - (i) his husband, wife, son or daughter (including a stepson or step-daughter);
 - (ii) any body corporate of which he is a director; and
 - (iii) any person who is his employee or partner;
- (b) if the person so entitled is a body corporate—
 - (i) any of its directors;
 - (ii) any body corporate which is a subsidiary of it;
 - (iii) any employee or director of any such subsidiary;
 - (iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common; and
 - (v) any employee or director of any such subsidiary; and
- (c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement—
 - (i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition; or
 - (ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;”;

“ “authorised officer” in relation to an enforcement authority, means any person who is authorised by the authority in writing, either generally or specially, to act in matters arising under these Regulations;”;

“ “controller”, in relation to any occupier of any premises which is a body corporate, means a person—

- (a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or
- (b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;”;

“ “director” means—

- (a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;
- (b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;”;

“ “manager” means a person who exercises managerial functions in relation to any premises;”;

“ “subsidiary” and “holding company” mean respectively a “subsidiary” and a “holding company” within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(a);”.

(3) In regulation 3 (exemptions) the phrase “Subject to regulation 3A” shall be inserted at the beginning.

(4) The following regulation shall be inserted into Part I immediately after regulation 3—

“Obligations on persons engaged in otherwise exempt activities

3A.—(1) A person engaged in any activity giving rise to an exemption pursuant to regulation 3 shall not—

(a) sell, offer for sale or expose for sale; or

(b) possess with a view to sale or preparation for sale,

any minced meat or meat preparations unless—

(c) each operation in relation to the meat used as the raw material for that minced meat and those meat preparations required to have been carried out in compliance with the Hygiene Regulations or, as the case may be, the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(b) has been so carried out; and

(d) each operation in relation to that minced meat and those meat preparations required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3, regulations 2, 10, 12, 13 and 14 shall apply in respect of the prohibition imposed by paragraph (1).”.

(5) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4 (approval of premises)—

“(3A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.”.

(6) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of approvals)—

“Change of directors, managers and controllers of occupiers of approved premises and change of occupier of such premises

4A.—(1) The occupier of any premises approved under regulation 4 shall notify the approval authority of any change in the identity or principal business address of his directors, managers or controller as soon

(a) S.I. 1986/1032 (N.I. 6); Article 4 was substituted by Article 62(1) of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

(b) S.R. 1998 No. 45 as amended

as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) An occupier of any premises approved under regulation 4 shall not transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the approval unless he notifies the approval authority of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy premises approved under regulation 4 (whether alone or jointly) for the purposes of carrying on any business for which those premises are approved shall notify the approval authority at least 21 days before he occupies them of his intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his family, but the successor shall notify the approval authority of his name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) shall record the respective identities and principal business addresses of each manager and (if applicable) and controller of the new occupier.”.

(7) In regulation 5(1)—

(a) the words “Subject to paragraph (3) and to regulation 6(3)” shall be revoked;

(b) the following sub-paragraph shall be inserted between sub-paragraphs (a) and (b)—

“(aA) any condition attached to the approval has not been complied with;”.

(8) Paragraph (3) of regulation 5 shall be revoked.

(9) The following regulation shall be inserted between regulation 5 and regulation 6 (right of appeal)—

“Suspension of approvals

5A.—(1) An approval authority may suspend an approval granted under regulation 4 in respect of any premises where—

(a) it appears to it that—

(i) any requirement of these Regulations in relation to the premises is being breached; or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in respect of those premises pursuant to regulation 12A(1), and—

(i) the approval authority is not satisfied that the action specified in the notice has been taken within the time specified there; and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where an approval authority intends to suspend an approval pursuant to paragraph (1), it shall give notice in writing to the occupier of the premises, informing him of—

- (a) its decision to suspend the approval;
- (b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);
- (c) the matters which must be remedied in order for the suspension to be lifted; and
- (d) his right to appeal to a magistrates' court, and of the period within which such an appeal may be brought.

(3) Where an approval is suspended pursuant to paragraph (1), the premises in respect of which that approval was granted shall be treated for the purposes of these Regulations as if they were not premises approved under regulation 4.

(4) The approval authority shall lift the suspension of any approval where—

- (a) it is satisfied that the matters specified in the notice referred to in paragraph (2) have been remedied; or
- (b) where a magistrates' court has determined under regulation 6(3) that the approval should not have been suspended,

and may lift the suspension of any approval in any other case.

(5) Where the approval authority lifts a suspension pursuant to paragraph (4), it shall do so by notice specifying the date on which it is lifted.”.

(10) The following paragraph shall be substituted for paragraph (1) of regulation 6—

“(1) Any person who is aggrieved by—

- (a) the refusal of an approval authority to approve any premises;
- (b) the decision by an approval authority to grant an approval subject to conditions or to impose conditions on an existing approval;
- (c) the decision by an approval authority to suspend an approval; or
- (d) the decision by an approval authority to revoke an approval,

may appeal to a magistrates' court.”.

(11) The following paragraphs shall be substituted for paragraph (3) of regulation 6—

“(3) Where on an appeal under paragraph (1) a magistrates' court determines that—

- (a) the grant of an approval should not have been refused;
- (b) conditions have unreasonably been attached to an approval;

- (c) an approval should not have been suspended; or
- (d) an approval should not have been revoked,

the approval authority shall give effect to the determination of the court.

(4) Where an approval authority has revoked the approval of any premises under regulation 5, a person who, immediately before such revocation, had been using those premises may continue to use them, subject to any reasonable conditions imposed by the approval authority for the protection of public health, unless—

- (a) the time for appealing against the approval authority’s decision has expired without an appeal having been lodged; and
 - (b) (where an appeal has been lodged) the appeal has been finally disposed of or abandoned.
- (5) Nothing in paragraph (4) shall permit the premises to be used if—
- (a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 10, 11 or 12 of the Order; or
 - (b) the approval authority has suspended the approval of the premises pursuant to regulation 5A.”.

(12) The following regulation shall be inserted into Part II, after regulation 6—

“Provision of information by current occupiers of approved premises

6A. Every person who is the occupier of premises approved under regulation 4 at the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 shall notify the approval authority of—

- (a) his identity and principal business address;
- (b) the identity and principal business address of each of his managers and (if applicable) directors and controllers; and
- (c) the address of those approved premises (where different from the address required to be notified under paragraph (a)),

within 3 months of the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000.”.

(13) In paragraph (2) of regulation 9, for paragraph (b)(ii) there shall be substituted—

“(ii) destined for any EEA State other than Iceland and which will be transported through a third country,

by a health certificate in the form containing the particulars set out in Schedule 12 (in the case of minced meat) or Schedule 14 (in the case of meat preparations).”

(14) The following paragraphs shall be inserted at the end of regulation 12 (supervision and enforcement)—

“(3) On an inspection of any minced meat or meat preparation an authorised officer of an enforcement authority may certify that the minced

meat or meat preparation concerned has not been produced, stored or transported in accordance with these Regulations.

(4) Where any minced meat or meat preparation is certified as mentioned in paragraph (3) it shall be treated for the purposes of Article 8 of the Order as failing to comply with food safety requirements.”

(15) The following regulation shall be inserted between regulation 12 (supervision and enforcement) and regulation 13 (offences and penalties)—

“Powers of authorised officers

12A.—(1) Where it appears to an authorised officer of an enforcement authority that in respect of any premises approved under regulation 4—

- (a) any of the requirements of these Regulations is being breached;
or
- (b) adequate health inspection in accordance with these Regulations is being hampered,

he may, by notice in writing given to the occupier of the premises concerned—

- (c) prohibit the use of any equipment or any part of the premises specified in the notice;
- (d) impose conditions upon or prohibit the carrying on of any process;
or
- (e) require the rate of operation to be reduced to such an extent as is specified in the notice, or be stopped completely.

(2) A notice given under paragraph (1) shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a), it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as the authorised officer in question is satisfied that the remedial action specified in it has been taken.

(5) The issue of a notice pursuant to paragraph (1) in respect of approved premises shall be treated for the purposes of these Regulations as the attachment of conditions to the approval for those premises.”

(16) In subdivision (i) of regulation 13 (1), for the words “level 5 on the standard scale” there shall be substituted the words “the statutory maximum”.

Amendments to the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

6. Schedule 2 to the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(a) (Regulations relevant to intra-Community trade) shall be amended as follows—

- (a) in paragraph 4, there shall be inserted at the end—

(a) S.R. 1998 No. 45 as amended

“, as amended by:

S.R. 1997 No. 496

S.R. 1998 No. 237

S.R. 2000 No. 78

S.R. 2000 No. 191”;

(b) at the end there shall be added the following paragraphs—

“(6) The Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 493), as amended by:

S.R. 1998 No. 237

S.R. 2000 No. 78

S.R. 2000 No. 191

(7) The Meat Products (Hygiene) Regulations (Northern Ireland) 1997 (S.R. 1998 No. 494), as amended by:

S.R. 1999 No. 193

S.R. 2000 No. 78

S.R. 2000 No. 191

(8) The Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 495), as amended by:

S.R. 2000 No. 78

S.R. 2000 No. 191

(9) The Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 496) as amended by:

S.R. 2000 No. 78.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 22nd May 2000.

(L.S.)

Don Hill

Senior Officer of the Department of
Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Regulations specified respectively in paragraphs 2, 13, 25, 35 and 44 of this note.

2. These Regulations amend the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 493, as amended) [“the Fresh Meat Regulations”] to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat (a consolidated text of which is annexed to Council Directive 91/497/EEC [O.J. No. L268, 24.9.91, p. 56]) and Council Directive 91/495/EEC concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (O.J. No. L268, 24.9.91, p. 41).

3. These Regulations amend regulation 3 of the Fresh Meat Regulations (which specifies circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 2(4) and (5)).

4. They impose revised requirements relating to the licensing of premises under the Fresh Meat Regulations and impose a new requirement that the Food Standards Agency (“the Agency”) must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Fresh Meat Regulations (“licensed premises”) (regulation 2(6) to (8)).

5. They amend the criteria under which the Agency may revoke licences granted under the Fresh Meat Regulations (regulation 2(9) to (11)).

6. A new power to suspend licences is created (regulation 2(12)).

7. These Regulations also amend the Fresh Meat Regulations so that occupiers of premises licensed thereunder at the date of coming into operation of these Regulations have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (regulation 2(13)).

8. The Regulations amend the Fresh Meat Regulations so as to enable official veterinary surgeons to inspect records kept by the occupiers of licensed premises pursuant to regulation 19(1)(a), (e) and (f) of those Regulations and to monitor such occupiers’ compliance with their duties under regulation 19 thereof (regulation 2(14)).

9. The powers of official veterinary surgeons set out in regulation 9 of the Fresh Meat Regulations are modified (regulation 2(15) and (16)).

10. The general conditions for the marketing of fresh meat set out in regulation 12 of the Fresh Meat Regulations are modified (regulation 2(17)).

11. The duties imposed on occupiers of licensed premises by regulation 19 of the Fresh Meat Regulations are modified (regulation 2(18)to (21)).

12. The penalties for a breach of the Fresh Meat Regulations contained in regulation 20 thereof are rationalised (regulation 2(22)) and regulation 22 of the Fresh Meat Regulations (enforcement) is amended so that (in relation to any place other than licensed premises) the Agency and the district councils are made responsible for enforcing those Regulations (regulation 2(23)). Regulation 22 is further amended so that where any meat is certified as provided for in new paragraph (2) or (3) thereof it is treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements (also regulation 2(23)).

13. These Regulations also amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 396, as amended) (“the Poultry Meat Regulations”) to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultrymeat (a consolidated text of which is annexed to Council Directive 92/116/EEC [O.J. No. L62, 15.3.93, p. 1]) and Council Directive 91/495/EEC.

14. They impose revised requirements relating to the licensing of premises under the Poultry Meat Regulations and impose a new requirement that the Agency must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Poultry Meat Regulations (“licensed poultry meat premises”). (regulation 3(4) to (6)).

15. These Regulations amend the criteria under which the Agency may revoke licences granted under the Poultry Meat Regulations (regulation 3(7) and (8)).

16. A new power to suspend licences is created (regulation 3(9)).

17. These Regulations revise the conditions governing appeals against decisions taken by the Agency in relation to licences granted under the Poultry Meat Regulations (regulation 3(10) to (12)).

18. These Regulations also amend the Poultry Meat Regulations so that occupiers of premises licensed thereunder at the date of coming into operation of these Regulations have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (regulation 3(13)).

19. These Regulations amend the Poultry Meat Regulations so as to enable official veterinary surgeons to inspect records kept by the occupiers of licensed poultry meat premises pursuant to regulation 17(1)(a) and (e) of those Regulations and to monitor such occupiers' compliance with their duties under regulation 17 thereof (regulation 3(14)).

20. The powers of official veterinary surgeons set out in regulation 9 of the Poultry Meat Regulations are modified (regulation 3(15) and (16)).

21. The general conditions for the marketing of fresh meat set out in regulation 13 of the Poultry Meat Regulations are modified (regulation 3(17)).

22. The duties imposed on occupiers of licensed poultry meat premises by regulation 17 of the Poultry Meat Regulations are modified (regulation 3(18)).

23. The penalties for a breach of the Poultry Meat Regulations contained in regulation 21 thereof are rationalised (regulation 3(19)).

24. Regulation 23 of the Poultry Meat Regulations is amended so that (in relation to any place other than licensed premises) the Agency and the district councils are made responsible for enforcing the bulk of those Regulations (the district councils alone remain responsible for enforcing regulation 3(3) and (4)) (regulation 3(20)). Regulation 23 is further amended so that where any meat is certified as provided for in new paragraph (3) or (4) thereof it is treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements (also regulation 3(20)).

25. These Regulations amend also the Meat Products (Hygiene) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 494 as amended) ["the Meat Products Regulations"] to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (a consolidated text of which is annexed to Council Directive 92/5/EEC (O.J. No. L57, 2.3.92, p. 1), as amended.

26. These Regulations amend regulation 3 of the Meat Products Regulations (circumstances in which these Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 4(3) and (4)).

27. They impose revised requirements relating to the approval of meat products premises, and impose a new requirement that the approval authority must be informed of changes in the identity of those having management and similar responsibilities in relation to such premises which have already been approved under the Meat Products Regulations ("approved meat products premises") (regulation 4(5) to (7)).

28. These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Meat Products Regulations (regulation 4(8) to (10)).

29. A new power to suspend approvals granted under the Meat Products Regulations is created (regulation 4(11)).

30. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals granted under the Meat Products Regulations (regulation 4(12) and (13)).

31. These Regulations also amend the Meat Products Regulations so that occupiers of approved meat products premises at the date of coming into operation of these Regulations have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (regulation 4(14)).

32. Regulation 19 of the Meat Products Regulations (supervision and enforcement) is amended so that where any meat product is certified as provided for by new paragraph (3) thereof it is treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements (regulation 4(15)).

33. These Regulations insert a new regulation into the Meat Products Regulations (regulation 19A), enabling authorised officers to prohibit the use of equipment or any part of approved meat products premises and to regulate the carrying on of a process (regulation 4(16)).

34. Regulation 21 of the Meat Products Regulations (application of various Articles of the Food Safety (Northern Ireland) Order 1991) is amended so that Article 8 thereof is applied to them (regulation 4(18)).

35. These Regulations amend additionally the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 495) ["the Minced Meat Regulations"] to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 94/65/EEC laying down the requirements for the production and placing on the market of minced meat and meat preparations (O.J. No. L368, 31.12.94, p. 10).

36. These Regulations amend regulation 3 of the Minced Meat Regulations (circumstances in which these Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise give rise to an exemption (regulation 5(3) and (4)).

37. They impose revised requirements relating to the approval of premises to be used for the production of certain minced meat or meat preparations, and impose a new requirement that the approval authority must

be informed of changes in the identity of those having management and similar responsibilities in relation to such premises which have already been approved under the Minced Meat Regulations (“approved minced meat premises”) (regulation 5(5) and (6)).

38. These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Minced Meat Regulations (regulation 5(7) and (8)).

39. A new power to suspend approvals granted under the Minced Meat Regulations is created (regulation 5(9)).

40. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals granted under the Minced Meat Regulations (regulation 5(10) and (11)).

41. These Regulations also amend the Minced Meat Regulations so that occupiers of approved minced meat premises at the date of coming into operation of these Regulations have to inform an approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (regulation 5(12)).

42. Regulation 12 of the Minced Meat Regulations (supervision and enforcement) is amended so that where any minced meat or meat preparation is certified as provided for by new paragraph (3) thereof it is treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements (regulation 5(14)).

43. These Regulations insert a new regulation into the Minced Meat Regulations (regulation 12A), enabling authorised officers to prohibit the use of any equipment or any part of approved minced meat premises and to regulate the carrying on of a process (regulation 5(15)).

44. Consequential amendments are made to the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 45) (regulation 6).

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