
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 78

Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000

Citation and commencement

1. These Regulations may be cited as the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 and shall come into operation on 1st April 2000.

Interpretation

2.—(1) In these Regulations—

“the 1999 Act” means the Food Standards Act 1999;

“instrument” means any instrument (other than any statutory instrument or statutory rule) relating to a transferred function, issued or made by or on behalf of a Northern Ireland Department, including—

- (a) appointments (other than any appointment to an advisory committee);
- (b) approvals, authorisations, licences, provisional licences and registrations;
- (c) certificates;
- (d) codes of practice;
- (e) designations;
- (f) notices;
- (g) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;
- (h) schemes and byelaws; and
- (i) warrants;

“transferred function” means any function—

- (a) of the Department of Agriculture and Rural Development⁽¹⁾ referred to in—
 - (i) subsection (2) of section 26 of the 1999 Act (statutory functions of the Department of Agriculture and Rural Development ceasing to be exercisable by it);
 - (ii) paragraph 6 of Schedule 5 to the 1999 Act and paragraphs 26 to 42 of that Schedule (amendments respectively to the Food and Environment Protection Act 1985⁽²⁾ and the Food Safety (Northern Ireland) Order 1991⁽³⁾); and

⁽¹⁾ Formerly the Department of Agriculture; see Article 3(4) of S.I. 1999/283 (N.I. 1)

⁽²⁾ 1985 c. 43. Part I of the Act was amended by section 51 of the Food Safety Act 1990 c. 16; other relevant amendments to the Act were made by paragraph 29 of Schedule 3 to that Act and S.I. 1999/1756 and 1820

- (iii) the entries in Schedule 6 of the 1999 Act relating to the repeals of provisions of the Food Safety (Northern Ireland) Order 1991 (other than Articles 24 and 25(3)), which relates to functions falling to the Agency under or by virtue of the 1999 Act; or
- (b) exercisable by the Agency instead of a Northern Ireland Department after the coming into operation of these Regulations by virtue of regulations 3 to 12(1) (consequential provisions),
- but does not include any exercise of the powers referred to in regulation 13(1)(c) or (d).

(2) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to an Act of the Assembly.

Regulations relating to egg products, dairy products and egg hygiene: consequential provisions

3.—(1) The Egg Products Regulations (Northern Ireland) 1993(5) shall be modified in accordance with the provisions of Part I of Schedule 1.

(2) Save in so far as they relate to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act), the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995(6) shall be modified in accordance with the provisions of Part II of Schedule 1.

(3) The Eggs (Marketing Standards) Regulations (Northern Ireland) 1995(7) shall be modified in accordance with the provisions of Part III of Schedule 1.

Regulations relating to feedingstuffs: consequential provisions

4.—(1) The Feeding Stuffs Regulations (Northern Ireland) 1995(8) shall be modified in accordance with the provisions of Part I of Schedule 2.

(2) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(9) shall be modified, in relation to Northern Ireland, in accordance with the provisions of Part II of Schedule 2.

(3) Save in so far as they relate to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act), the Feeding Stuffs (Enforcement) Regulations 1999(10) shall be modified, in relation to Northern Ireland, in accordance with the provisions of Part III of Schedule 2.

(4) The Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 2000(11) shall be modified in accordance with the provisions of Part IV of Schedule 2.

Regulations relating to general food hygiene, temperature control and fish and shellfish hygiene: consequential provisions

5.—(1) The Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995(12) shall be modified in accordance with the provisions of Part I of Schedule 3.

(3) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). The functions exercisable by the Department of Agriculture and Rural Development in pursuance of Article 26(1A) of the Order are specified in the Food Safety (Enforcement) Order (Northern Ireland) 1997 (S.R. 1997 No. 492)

(4) 1954 c. 33 (N.I.)

(5) S.R. 1993 No. 329, to which there are amendments not relevant to these Regulations

(6) S.R. 1995 No. 201; the relevant amending Regulations are S.R. 1996 No. 287

(7) S.R. 1995 No. 382; the relevant amending Regulations are S.R. 1997 No. 451

(8) S.R. 1995 No. 451; the relevant amending Regulations are S.R. 1999 No. 287

(9) S.I. 1999/1872

(10) S.I. 1999/2325

(11) S.R. 2000 No. 73

(12) S.R. 1995 No. 360, to which there are amendments not relevant to these Regulations

(2) The Food Safety (Temperature Control) Regulations (Northern Ireland) 1995(13) shall be modified in accordance with the provisions of Part II of Schedule 3.

(3) The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations (Northern Ireland) 1998(14) shall be modified in accordance with the provisions of Part III of Schedule 3.

Regulations relating to meat hygiene, etc.: consequential provisions

6.—(1) The Meat (Hygiene, Inspection and Examination for Residues) (Charges) Regulations (Northern Ireland) 1995(15) shall be modified in accordance with the provisions of Part I of Schedule 4.

(2) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(16) shall be modified in accordance with the provisions of Part II of Schedule 4.

(3) The Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(17) shall be modified in accordance with the provisions of Part III of Schedule 4.

(4) The Beef Bones Regulations (Northern Ireland) 1997(18) shall be modified in accordance with the provisions of Part IV of Schedule 4.

(5) The Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(19) shall be modified in accordance with the provisions of Part V of Schedule 4.

(6) The Meat Products (Hygiene) Regulations (Northern Ireland) 1997(20) shall be modified in accordance with the provisions of Part VI of Schedule 4.

(7) The Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(21) shall be modified in accordance with the provisions of Part VII of Schedule 4.

(8) The Specified Risk Material Regulations (Northern Ireland) 1997(22) shall be modified in accordance with the provisions of Part VIII of Schedule 4.

(9) The Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(23) shall be modified in accordance with the provisions of Part IX of Schedule 4.

(10) The Animal By-Products (Identification) Regulations (Northern Ireland) 1999(24) shall be modified in accordance with the provisions of Part X of Schedule 4.

(11) The Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999(25) shall be modified in accordance with the provisions of Part XI of Schedule 4.

Regulations relating to imports and exports: consequential provisions

7.—(1) The Imported Food Regulations (Northern Ireland) 1991(26) shall be modified in accordance with the provisions of Part I of Schedule 5.

(13) [S.R. 1995 No. 377](#), to which there are amendments not relevant to these Regulations

(14) [S.R. 1998 No. 207](#), to which there are amendments not relevant to these Regulations

(15) [S.R. 1995 No. 431](#)

(16) [S.R. 1995 No. 396](#), to which there are amendments not relevant to these Regulations

(17) [S.R. 1996 No. 404](#), as amended by [S.R. 1996 No. 506](#)

(18) [S.R. 1997 No. 540](#)

(19) [S.R. 1997 No. 493](#)

(20) [S.R. 1997 No. 494](#), as amended by [S.R. 1999 No. 193](#)

(21) [S.R. 1997 No. 495](#)

(22) [S.R. 1997 No. 552](#), as amended by [S.R. 1999 No. 157](#) and [S.R. 1999 No. 431](#)

(23) [S.R. 1997 No. 496](#)

(24) [S.R. 1999 No. 418](#)

(25) [S.R. 1999 No. 431](#)

(26) [S.R. 1991 No. 475](#), to which there are amendments not relevant to these Regulations

(2) The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998⁽²⁷⁾ shall be modified in accordance with the provisions of Part II of Schedule 5.

Regulations relating to food irradiation: consequential provisions

8. The Food (Control of Irradiation) Regulations (Northern Ireland) 1992⁽²⁸⁾ shall be modified in accordance with the provisions of Schedule 6.

Emergency Control Orders: consequential provisions

9.—(1) The Food (Peanuts from Egypt) (Emergency Control) Order (Northern Ireland) 1999⁽²⁹⁾ shall be modified in accordance with the provisions of Part I of Schedule 7.

(2) The Food (Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 2000⁽³⁰⁾ shall be modified in accordance with the provisions of Part II of Schedule 7.

Other Regulations: consequential provisions

10.—(1) The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996⁽³¹⁾ shall be modified in accordance with the provisions of Part I of Schedule 8.

(2) The Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998⁽³²⁾ shall be modified in accordance with the provisions of Part II of Schedule 8.

(3) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999⁽³³⁾ shall be modified in accordance with the provisions of Part III of Schedule 8.

(4) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999⁽³⁴⁾ shall be modified in accordance with the provisions of Part IV of Schedule 8.

Monitoring of enforcement action, etc.: consequential provisions

11. The definition of “relevant legislation” in section 15(1) of the 1999 Act shall have effect as if the references in paragraph (b) to the provisions of Regulations or Orders made under the 1991 Order included references to the provisions of the Regulations made under section 2(2) of the European Communities Act 1972⁽³⁵⁾ specified in Schedule 9 to these Regulations.

Instruments, orders and judgments: consequential provisions

12.—(1) Subject to the following paragraphs, any provision relating to a transferred function—

- (a) in an instrument made before the coming into operation of these Regulations; or
- (b) in a court order or judgment made or given before the coming into operation of these Regulations,

shall have effect, so far as may be necessary or expedient in preparation for, in connection with, or in consequence of the transfer of that function to the Agency, as if any references in that provision (including any references which are to be construed as such references) to, or to officers of, a

(27) S.R. 1998 No. 45, to which there are amendments not relevant to these Regulations

(28) S.R. 1992 No. 172

(29) S.R. 1999 No. 300

(30) S.R. 2000 No. 72

(31) S.R. 1996 No. 558

(32) S.R. 1998 No. 29

(33) S.R. 1999 No. 308

(34) S.R. 1999 No. 301

(35) 1972 c. 68

Northern Ireland Department, were references to the Agency, or to its officers, as the context may require.

(2) Paragraph (1) shall not apply—

- (a) to any authorisation, licence or provisional licence issued for the purposes of the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 in operation at the coming into operation of these Regulations; or
- (b) to any relevant designation after the expiry of the period of six months beginning at the coming into operation of these Regulations.

(3) Paragraph (1) shall apply to provisions of codes of practice issued under Article 39 of the Food Safety (Northern Ireland) Order 1991 before the coming into operation of these Regulations but shall not apply so as to treat the authority by which the code was issued as altered.

(4) For the purposes of paragraph (2)(b), a “relevant designation” is a designation of an official veterinary surgeon, in force at the coming into operation of these Regulations, under or for any purpose relating to—

- (a) the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;
- (b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995; or
- (c) the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997.

Transitional provisions and savings

13.—(1) The transfer to the Agency of any transferred function shall not affect—

- (a) the validity of anything done, or having effect as if done, by or on behalf of the Department of Agriculture and Rural Development before the coming into operation of the provision by or under which the function is transferred;
- (b) the power of the Department of Agriculture and Rural Development to act on behalf of the Agency in carrying out its functions;
- (c) the power of the Department of Agriculture and Rural Development to act as competent authority for the purposes of—
 - (i) article 14 of Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products⁽³⁶⁾; and
 - (ii) article 3 of Commission Regulation (EC) No. 1141/97 laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products⁽³⁷⁾; or
- (d) the power of the Department of Agriculture and Rural Development to join with the Department of Health, Social Services and Public Safety⁽³⁸⁾ in making Regulations under the Food Safety (Northern Ireland) Order 1991 in relation to—
 - (i) residues of veterinary products (as defined in section 29(2) of the 1999 Act) in food or food sources; and
 - (ii) charges for inspection in relation to such residues.

(2) Anything (including legal proceedings or anything in connection with legal proceedings) which at the coming into operation of these Regulations is in the process of being done by or in

⁽³⁶⁾ O.J. No. L117, 7.5.97, p. 1

⁽³⁷⁾ O.J. No. L165, 24.6.97, p. 7

⁽³⁸⁾ Formerly the Department of Health and Social Services; *see* Article 3(6) of S.I. 1999/283 (N.I. 1)

relation to the Department of Agriculture and Rural Development, so far as it relates to a transferred function, may be continued by or in relation to the Agency.

(3) Anything (including legal proceedings or anything in connection with legal proceedings) done or having effect as if done before the coming into operation of these Regulations by or in relation to the Department of Agriculture and Rural Development, so far as it relates to a transferred function, shall have effect as if done by or in relation to the Agency.

(4) In so far as any existing Regulations or Orders made or having effect as if made by the Department of Agriculture and Rural Development under the Food Safety (Northern Ireland) Order 1991, including any Regulations or Orders made or having effect as if made under that Order by that Department acting jointly with the Department of Health, Social Services and Public Safety, are in force at the coming into operation of these Regulations, the powers of the Department of Agriculture and Rural Development to revoke, amend or re-make the Regulations or Orders shall be exercisable, in the same manner and subject to the same conditions, by the Department of Health, Social Services and Public Safety.

(5) Where any property, right or liability of a Northern Ireland Department is transferred to the Agency by virtue of a scheme made under section 41 of the 1999 Act—

- (a) if the authority making the scheme certifies that the property, right or liability has been transferred to the Agency by virtue of subsection (4) of that section, on a day appointed by the scheme for the transfer of the property, right or liability, the certificate shall be conclusive evidence for all purposes of any fact stated in it with respect to the effect of that subsection in relation to the transfer; and
- (b) paragraphs (3) and (4) shall not apply on and after that day to the property, right or liability transferred.

Transitional provisions and savings relating to powers to make Regulations under Part IV of the Agriculture Act 1970

14.—(1) Until the coming into force of the first Order under section 31 of the 1999 Act (animal feedingstuffs), the Department of Health, Social Services and Public Safety shall have the same power to make, or join in making, Regulations under Part IV of the Agriculture Act 1970⁽³⁹⁾ in relation to feedingstuffs as had the Department of Agriculture and Rural Development, in relation to Northern Ireland, immediately before the coming into operation of these Regulations.

(2) The Department of Health, Social Services and Public Safety may, jointly with or instead of, the Department of Agriculture and Rural Development, exercise the power conferred on it by paragraph (1).

(3) Any consultation undertaken wholly or partly before the coming into operation of these Regulations relating to Regulations made under or partly under the power conferred on the Department of Health, Social Services and Public Safety by paragraph (1) shall be as effective for the purposes of the exercise of that power as if undertaken after these Regulations come into operation.

(4) For the purposes of the exercise of the power conferred on the Department of Health, Social Services and Public Safety by paragraph (1) the Agency shall consult with such persons or organisations as appear to it to represent the interests concerned; and the consultation shall be as effective for the purposes of section 84 of the Agriculture Act 1970 as if undertaken under that section.

⁽³⁹⁾ 1970 c. 40; section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6, and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980)

Signed by authority of the Secretary of State for Northern Ireland

L.S.
Northern Ireland Office
11th March 2000

George Howarth
Parliamentary Under Secretary of State