

SCHEDULE 5

Regulation 7

Regulations relating to imports and exports: consequential provisions

Part I

Consequential modifications to the Imported Food Regulations (Northern Ireland) 1991

1. In regulation 9(1), before the definition of “bulk lard” there shall be inserted the following definition—
““the Agency” means the Food Standards Agency;”.
2. In regulation 10(1)(c) and (3) for “the Department”, wherever it occurs in those provisions, there shall be substituted “the Agency”.

Part II

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

1. In regulation 2(1)—
 - (a) before the definition of “aquaculture product” there shall be inserted the following definition—
““the Agency” means the Food Standards Agency;”;
 - (b) in the definition of “authorised officer”, after “Department,” there shall be inserted “ the Agency”.
2. In regulation 3—
 - (a) in paragraphs (1) and (2), after “Department”, wherever it occurs in those provisions, there shall be inserted “or the Agency”;
 - (b) after paragraph (2) there shall be inserted the following paragraph—
“(3) The Agency may direct, in relation to cases of a particular description or a particular case, that these Regulations shall be executed and enforced by the Agency instead of the district council, or jointly by the Agency and the district council.”.
3. In regulation 4—
 - (a) after paragraph (1) there shall be inserted the following paragraph—
“(1A) The Agency, after consulting the Department of Health, Social Services and Public Safety, may also exercise the powers to give directions in paragraph (1), either jointly with the Department or alone.”.
 - (b) in paragraph (3) for “the Department” there shall be substituted “the Agency or the Department”.
4. In regulation 12(7), for “the Department” there shall be substituted “the Agency”.
5. In regulation 14(c), after “the Department”, in both places it occurs, there shall be inserted “or the Agency”.
6. In regulation 20, after paragraph (4) there shall be inserted the following paragraph—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(5) Before authorising the release of any product, the official veterinary surgeon shall, where he has any doubt relating to the protection of public health whether a product should be released, consult the Agency and shall take no further action in connection with the release of the product without first informing the Agency”.

7. In regulation 24—

- (a) in paragraph (2), for “Subject to paragraph (3)” there shall be substituted “Subject to paragraphs (2A) and (3)”; and
- (b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Where the official veterinary surgeon consults the Agency in relation to non-compliance of any product of animal origin with public health conditions, he shall not authorise the importer of the products to transport them for storage in a free zone or free warehouse in accordance with the provisos in paragraph (2) without first informing the Agency”.

8.—(1) In regulations 27, 28 and 33(1), after “the Department” there shall be inserted the words “, the Agency”.

(2) In regulation 33, for paragraph (2) there shall be substituted the following paragraph—

“(2) If requested in writing to do so by the Department or the Agency, a district council shall provide the Department or, as the case may be, the Agency with—

- (a) such information relating to the calculation of charges as the Department or, as the case may be, the Agency, may require; and
- (b) copies of any written representations made by the persons referred to in paragraph (1).”.

9.—(1) In regulation 34(1), for “ask the Department to review the amount of the charge” there shall be substituted—

- “(a) in the case of a charge for a health inspection and control exercise carried out otherwise than in relation to any function of the Agency, ask the Department to review the amount of the charge; and
- (b) in the case of a charge for a health inspection and control exercise carried out in relation to any function of the Agency, ask the Agency to review the amount of the charge.”.

(2) In regulation 34(2), after “the Department” there shall be inserted “or, as the case may be, the Agency”.

(3) In regulation 34(4)—

- (a) after “the Department”, in the first place where it occurs, there shall be inserted “or, as the case may be, the Agency”; and
- (b) after “the Department”, in the second place where it occurs, there shall be inserted “or, as the case may be in relation to a review of a charge levied by the Agency, the Department of Health, Social Services and Public Safety”.

(4) In regulation 34(5), (6) and (7), after “the Department”, wherever it occurs in those provisions, there shall be inserted “or, as the case may be, the Agency”.

10. In regulation 35(1) and (2), after “the Department” there shall be inserted “or the Agency”.

11. In regulation 38(1) and (2), after “the Department” there shall be inserted “, the Agency”.