

**2001 No. 85**

**FOOD**

**Food Safety (General Food Hygiene) (Amendment) Regulations  
(Northern Ireland) 2001**

*Made . . . . . 27th February 2001*

*Coming into operation—  
regulations 1 and 5 . . . . . 16th April 2001  
regulations 2, 3 and 4 . . . . . 1st October 2001*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred on it by Articles 15(1)(d) and (f) and (3), 18(1)(b), 25(2)(a) and (d) and (3), 44(1) and 47(2)(b) of, and paragraph 5(3) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991<sup>(b)</sup>, and of all other powers enabling it in that behalf, it appearing to it to be necessary or expedient to make these Regulations for the purpose of securing that food complies with food safety requirements in so far as required by Articles 15(1)(f) and 18(2)(a) of the said Order, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation with such organisations as appear to it to be representative of interests likely to be substantially affected as required by Article 47(3) of the said Order, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation as follows—

- (a) regulations 1 and 5 on 16th April 2001;
- (b) regulations 2, 3 and 4 on 1st October 2001.

(2) In these Regulations “the principal Regulations” means the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995<sup>(c)</sup>.

*Amendment of regulation 3(1)*

**2.** In regulation 3(1) (application of provisions of the principal Regulations), for “regulations 4 and 5” there shall be substituted “regulations 4, 4A and 5”.

---

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), 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.R. 1995 No. 360 as amended by S.R. 1996 No. 286

*Insertion of regulation 4A and Schedule 1A*

**3.**—(1) After regulation 4 of the principal Regulations there shall be inserted the following regulation—

*“Licences for butchers’ shops*

**4A.** Schedule 1A (provisions relating to the licensing of butchers’ shops) shall have effect.”

(2) After Schedule 1 to the principal Regulations there shall be inserted as Schedule 1A the provisions set out in the Schedule.

*Amendment of regulation 6(1)*

**4.** In regulation 6(1) (offences and penalties) of the principal Regulations, after “or 5,” there shall be inserted “or paragraph 2 of Schedule 1A”.

*Transitional provision*

**5.** Before regulations 2, 3 and 4 come into operation—

(a) persons may apply for licences as if those regulations were in operation by submitting applications which comply with Schedule 1A to the principal Regulations, as set out in the Schedule to these Regulations;

(b) district councils—

(i) shall determine any such applications which they receive, give notices of determinations and, where appropriate, issue licences; and

(ii) may suspend or revoke any licence issued in respect of such an application and take any steps which they consider appropriate for the purposes of making determinations in relation to such applications and licences (including the inspection of premises and the receipt of charges),

as if the said Schedule 1A were in operation;

and any licence granted by a district council pursuant to such an application shall, subject to paragraph 10 of Schedule 1A, remain in force for a period of one year commencing with the later of the date on which it is issued or 1st October 2001.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 27th February 2001.

(L.S.)

*W. B. Smith*  
Senior Officer of the Department of  
Health, Social Services and Public Safety

**Schedule 1A for insertion in the Principal Regulations**

“SCHEDULE 1A      Regulations 4A and 6(1)

**Licensing of Butcher’s Shops**

1. The following definitions shall apply for the purposes of this Schedule—

“applicant” means a person who is applying for a licence;

“appropriate district council” in relation to a butcher’s shop, or an application or licence relating to a butcher’s shop, means the district council for the area in which the shop is situated (or, in the case of moveable premises, ordinarily kept) or the district council which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations (Northern Ireland) 1992(a);

“butcher’s shop” means the premises of a food business in or from which—

(a) commercial operations are carried out in relation to unwrapped raw meat, and

(b) raw meat and ready-to-eat food are both placed on the market for sale or supply,

other than catering premises and exempted mixed business premises;

“catering premises” means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed mobile stall) where, in the course of a business—

(a) food is prepared for delivery to the ultimate consumer for consumption, and

(b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

“exempted mixed business premises” means mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat and where none of the circumstances described in paragraphs (a) to (c) of paragraph 5(6) apply;

“HACCP procedures” mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles—

(a) analysis of the potential food hazards in a food business operation;

(b) identification of the points in those operations where food hazards may occur;

(c) deciding which of the points identified are critical to ensuring food safety (“critical points”);

(d) identification and implementation of effective control and monitoring procedures (initial critical limits), at those critical points;

(e) verification to confirm that the Hazard Analysis and Critical Control Points system is working effectively;

---

(a) S.R. 1992 No. 167, to which there are amendments not relevant to these Regulations

- (f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business' operations change; and
- (g) documentation of all procedures appropriate to the effective application of the principles listed in sub-paragraphs (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraphs 5(1)(b) or (c);

“licence” means a licence issued under this Schedule;

“meat” means fresh meat within the meaning of regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(a) or regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(b) and wild game meat as defined in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(c);

“raw meat” means meat which is not ready-to-eat food;

“ready-to-eat food” means any food for consumption without further treatment or processing;

“unwrapped” means neither wrapped so as to prevent the passage of micro-organisms nor enclosed in a receptacle which prevents the passage of such organisms.

2. No person shall use premises for the purposes of a butcher's shop except—
- (a) in accordance with a licence which is in force in respect of those premises, or
  - (b) where the exception made by paragraph 9 applies.

3.—(1) An applicant shall submit his application to the appropriate district council not less than 28 days before the date on which a licence is required.

(2) The appropriate district council shall within 28 days of the receipt of such an application—

- (a) determine it; and
- (b) give notice of their determination to the applicant.

(3) A notice given under sub-paragraph (2) of the refusal of an application shall specify any condition in paragraph 5 which is not satisfied and shall contain particulars of the right to appeal which is conferred by Article 37(1)(c) of the Order.

4.—(1) The appropriate district council shall issue a licence in respect of a butcher's shop if—

- (a) the applicant has submitted to it an application which sets out his address and either specifies the location of his shop or, in the case of movable premises, other information which identifies the premises to which the application relates;
- (b) it is satisfied that the conditions specified in paragraph 5 are met on the basis of the information submitted by the applicant and any other information relating to the food business which it has acquired from an inspection of the shop or otherwise.

---

(a) S.R. 1995 No. 396  
(b) S.R. 1997 No. 493  
(c) S.R. 1997 No. 496

(2) The appropriate district council shall impose a charge of £100 on any person to whom it issues a licence.

(3) Any sum which is payable by way of, or an account of, a charge imposed under sub-paragraph (2) may accompany the application to which it relates or may be recovered from an applicant as a civil debt by the district council after it has determined the application.

5.—(1) Subject to sub-paragraphs (6) and (7), the conditions referred to in paragraph 4(1)(b) are that—

- (a) the food business in the butcher's shop complies with the requirements of these Regulations (including this Schedule) and the Food Safety (Temperature Control) Regulations (Northern Ireland) 1995(a);
- (b) all persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Chartered Institute of Environmental Health Basic Certificate or the Certificate in Essential Food Hygiene of the Royal Society of Health;
- (c) all supervisors of persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Chartered Institute of Environmental Health Intermediate Food Hygiene Course or the Royal Society of Health Certificate in Food Hygiene Management; and
- (d) HACCP procedures are in place.

(2) Subject to sub-paragraph (7), the applicant or a proprietor or manager of the butcher's shop shall make available records of—

- (a) the HACCP procedures which apply in the shop; and
- (b) the training which persons have undertaken to enable them to carry out operations in the shop,

when requested to do so by the appropriate district council.

(3) Records made available under sub-paragraph (2) shall be either—

- (a) in writing, or
- (b) where there is a means by which it may be read, in electronic form.

(4) Records relating to the HACCP procedures which apply in the shop shall be kept—

- (a) in the case of any document which sets out those procedures, until it is replaced by a further document which sets out those procedures;
- (b) in the case of any document which records how those procedures have been applied, for the period of not less than 12 months which begins on the date of its creation.

(5) Records of the training which persons have undertaken to enable them to carry out operations in the shop shall be kept until those persons cease to be retained to carry out those operations.

(6) In mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat, the conditions in sub-paragraph (1), and the requirements relating to records in sub-paragraphs (2) to (5), shall apply only to the parts of the premises specified below—

---

(a) S.R. 1995 No. 377, to which there are amendments not relevant to these Regulations

- (a) where both unwrapped raw meat and ready-to-eat food are stored, handled or displayed in the same part of the premises, that part;
- (b) where unwrapped raw meat is handled, stored or displayed in one part of the premises and ready-to-eat food is stored, handled or displayed in an adjoining part of the premises, each of those parts; and
- (c) where the same food handler is working on the storage, handling or display of both unwrapped raw meat and ready-to-eat food, or the same equipment is in use in relation to such meat and food, each part in which such meat or food is stored, handled or displayed.

(7) Where premises are not being used as a butcher's shop when the application relating to them is submitted to the appropriate district council, the applicant shall provide information to that council on the commercial operations, training and HACCP procedures which he proposes to introduce and the district council shall take that information into account when it determines the application.

6. Subject to paragraphs 7 and 10, a licence shall remain in force for the period of one year commencing on the day on which it is issued.

7. Subject to paragraph 10, where a further licence is granted to a person who has held a licence for not less than 8 months and both licences relate to the same butcher's shop, that further licence shall be issued for the period of one year which commences immediately after the expiry of the other licence held by that person.

8. Each licence shall contain the condition that the person who holds it shall give notice to the appropriate district council of any material change or intended material change which may reduce the safety of food sold or supplied from the butcher's shop to which the licence relates, including any material change to the layout or ownership of the premises or the operation of the food business.

9.—(1) Where a district council has refused to issue a licence in respect of an application made in the circumstances specified in sub-paragraph (2), the premises to which the application relates may continue to be used as a butcher's shop until the time specified in Article 37(2A)(a) of the Order for bringing an appeal under that Article has expired and, if an appeal under that Article is brought, until the appeal is finally disposed of or abandoned.

(2) The circumstances specified for the purposes of sub-paragraph (1) are that on the date on which the application was made the premises to which it relates are used as a butcher's shop and either—

- (a) the application is made before 1st October 2001, or
- (b) on the date on which the application is made, a licence is in force in respect of the premises to which the application relates

10.—(1) Where any of the conditions specified in paragraph 5 cease to be satisfied in respect of a butcher's shop, the appropriate district council may suspend or revoke any licence which it has issued in respect of that shop, and give notice of its decision to the proprietor of the shop

(2) A notice given under sub-paragraph (1) shall specify the conditions specified in paragraph 5 which have been breached.

---

(a) Paragraph (2A) was inserted into the Order by Article 7(4) of S.I. 1996/1633 (N.I. 12)

(3) A decision to revoke or suspend a licence made under sub-paragraph (1) shall not take effect until the time specified in Article 37(2A) of the Order for bringing an appeal under that Article has expired and, if an appeal under that Article is lodged, until the appeal is finally disposed of or abandoned.”.

## EXPLANATORY NOTE

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

These Regulations further amend the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995 (“the principal Regulations”) by introducing a requirement for the premises of butchers’ shops to be licensed by district councils. Butchers’ shops for these purposes are fixed or movable premises in which unwrapped meat is handled and from which both raw meat and ready-to-eat food are sold to consumers (*see* the definition of “butcher’s shop” in paragraph 1 of Schedule 1A).

Regulation 2 amends regulation 3 of the principal Regulations so that the provisions relating to the licensing of butchers’ shops do not apply to those businesses to which the sectorial provisions listed in that regulation apply.

Regulation 3 inserts the provisions set out in the Schedule as Schedule 1A which make provision for the licensing of butchers’ shops. Paragraph 4 of the Schedule makes provision for applications for licences and provides that a charge of £100 is payable in respect of the issue of a licence. Paragraph 5 imposes licence conditions. In mixed business premises the conditions only apply to certain parts (*see* paragraph 5(6)). Paragraph 6 provides that licences remain in force for periods of a year. Paragraph 7 has effect where an applicant who holds a licence in respect of a butcher’s shop applies for a further licence in respect of his shop up to 4 months before the expiry of his existing licence. If the further licence is granted, it begins on the expiry of the existing licence so that the applicant is not prejudiced by making an application before his existing licence expires. Paragraph 9 permits the premises of established butchers’ shops to continue to be used where an application for a licence has been refused and the time for appealing against the refusal has not elapsed or an appeal against the refusal is being brought (*see* Article 37 of the Food Safety Order (Northern Ireland) 1991 which provides for appeals to be brought within one month). Paragraph 10 provides for the suspension and revocation of licences and for licences to remain in force until the time for appealing against a suspension or revocation has expired and whilst an appeal is pending (*see* Article 37).

Regulation 4 amends regulation 6(1) of the principal Regulations so that using premises as a butcher’s shop otherwise than in accordance with a licence is a criminal offence.

Regulation 5 contains transitional provisions so that licences may be issued before the first day on which they are required. Such licences remain in force for the period of one year beginning on that day.

£2.00

Published by The Stationery Office Limited

Printed in the UK by The  
Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly

Dd. 602151. C3. 3/01. Gp. 130. 14567.