

2004 No. 482

FOOD

**The Food Safety (Northern Ireland) Order 1991
(Amendment) Regulations (Northern Ireland) 2004**

Made - - - - - *24th November 2004*

Coming into operation *7th December 2004*

The Department of Health, Social Services and Public Safety(a), being a Department designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by the said section 2(2), and of all other powers enabling it in that behalf, after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(d) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004, and shall come into operation on 7th December 2004.

Amendment of The Food Safety (Northern Ireland) Order 1991

2. The Food Safety (Northern Ireland) Order 1991(e) shall be amended in accordance with regulations 3 to 5.

3. In paragraph (2) of Article 2 (interpretation) –

(a) for the definition of “food” there shall be substituted the following definition –

““food” has the same meaning as it has in Regulation (EC) No. 178/2002.”.

(b) after the definition of “public analyst” there shall be inserted the following definition –

““Regulation (EC) No. 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.”.

4. In Article 39 (power to issue codes of practice) –

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

(b) S.I. 2003/2901

(c) 1972 c. 68

(d) O.J. No. L31, 1.2.2002, p. 1

(e) 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

- (a) in paragraph (4)(a) there shall be inserted at the beginning the words “Subject to paragraph (4B),”;
- (b) after paragraph (4A) there shall be inserted –
 - “(4B) Paragraph (4)(a) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.”.

5. In Article 47 (regulations and orders) –

- (a) in paragraph (3) there shall be inserted at the beginning “Subject to paragraph (3C),”;
- (b) after paragraph (3B) there shall be inserted –
 - “(3C) Paragraph (3) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 24th November 2004.

(L.S.)

Deirdre Kenny

A 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 Food Safety (Northern Ireland) Order 1991 (“the Order”). The amendments are occasioned by Regulation (EC) No. 178/2002 of the Council and European Parliament (O.J. No. L31, 1.2.2002, p. 1) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

2. The Regulations replace the existing definition of “food” in the Order with the definition which applies for the purposes of (EC) Regulation 178/2002 (regulation 3). That definition is to be found in Article 2 of that Regulation.

3. Pursuant to Article 4(2) and (3) of (EC) Regulation 178/2002 the Regulations also disapply provisions in Articles 39 and 47 of the Order regarding public consultation in circumstances where similar provisions in Article 9 of (EC) Regulation 178/2002 require public consultation (regulations 4 and 5).

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Published by The Stationery Office Limited

ISBN 0-337-95744-4



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