
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 487

The Contaminants in Food Regulations (Northern Ireland) 2004

Secondary treatment of imported food that does not comply with these Regulations

9.—(1) In relation to any food which is of the type referred to in Article 4.3(a), (b) and (d) of the Commission Regulation and in respect of which an authorised officer may serve a notice in accordance with regulation 8(1), the authorised officer may, after appropriate consultation with a person appearing to him to be the importer of the food, serve on that person a notice requiring him to—

- (a) deal with the food only in compliance with Article 4.3 of the Commission Regulation; and
- (b) place the food on the market as soon as is reasonably practicable.

(2) The notice served under paragraph (1) shall state —

- (a) the right of appeal to a court of summary jurisdiction; and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by the decision of an authorised officer to serve a notice under paragraph (1) may appeal to a court of summary jurisdiction, which shall determine whether or not the notice should be upheld or set aside.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be 5 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays.

(5) The procedure on an appeal to a court of summary jurisdiction under paragraph (3) shall be by way of notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981.

(6) If the court allows an appeal brought under paragraph (3) the district council shall compensate the owner of the food concerned for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Department; and the provisions of the Arbitration Act 1996 shall apply accordingly.

(8) Any person who fails to comply with any of the requirements specified in a notice served under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.