

## EXPLANATORY MEMORANDUM TO

### THE DEREGULATION (IMPROVEMENT OF ENFORCEMENT PROCEDURES) (FOOD SAFETY) (REVOCATION) ORDER (NORTHERN IRELAND) 2014

#### SR 2014 No. 10

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Article 9(1) and (4) of and paragraph 3 of Schedule 1 to the Deregulation and Contracting Out (Northern Ireland) Order 1996.

#### 2. Purpose of the Rule

- 2.1 The proposed Deregulation (Improvement of Enforcement Procedures) (Food Safety) (Revocation) Order (Northern Ireland) 2014 will revoke the Deregulation (Improvement of Enforcement Procedures) (Food Safety) Order (Northern Ireland) 1996.

#### 3. Matters of special interest to the Health Committee

- 3.1 None.

#### 4. Legislative Context

- 4.1 Currently, the Deregulation (Improvement of Enforcement Procedures) (Food Safety) Order (Northern Ireland) 1996 (S.R. No. 579) made under Article 9 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 are still in operation in Northern Ireland.
- 4.2 The Deregulation (Improvement of Enforcement Procedures) (Food Safety) Order (Northern Ireland) 1996 requires service of a “minded to” notice prior to the service of any notice under Article 9 of the Food Safety (Northern Ireland) Order 1991. The issue does not arise in the rest of the UK as the Deregulation and Contracting Out Act 1994 was repealed by the Regulatory and Reform Act 2001 and regulations made under it which included the Deregulation (Improvement of Enforcement Procedures) (Food Safety Act 1990) Order 1996 (SI 1996/1683) lapsed and therefore “minded to” notices disappeared from the enforcement landscape in the rest of the UK 12 years ago.
- 4.3 The enforcement landscape in Northern Ireland has changed in the last 12 years with the introduction of the Food Law Code of Practice, issued under the Food Safety (Northern Ireland) Order 1991. Enforcement Authorities are required to document and update a Food Law Enforcement Policy. The policy covers all areas of food law that the district council has a duty to enforce and include criteria for the use of all enforcement options that are available, making the need for the use of “minded to” notices redundant.
- 4.4 The use of applied improvement notices is an increasing new feature in UK composition and labelling legislation that was introduced as a new approach to enforcement. The

continued use of these “minded to” notices in Northern Ireland adds unnecessary administrative work for enforcement officers and therefore should be revoked.

## **5. Parity or Replicatory Measure**

5.1 This Rule applies to Northern Ireland only. In this instance amending Regulations are not required in respect of England, Scotland and Wales.

## **6. European Convention on Human Rights**

6.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Consultation**

7.1 A formal public consultation was conducted in Northern Ireland from 25 October 2013 to 20 December 2013 on the draft Regulations. No responses were received to the consultation in Northern Ireland.

## **8. Equality Impact**

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

## **9. Contact**

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