



# Food and Environment Protection Act 1985

## 1985 CHAPTER 48

### PART IV

#### GENERAL AND SUPPLEMENTARY

#### 25 Northern Ireland.

- (1) It is hereby declared that this Act extends to Northern Ireland.
- (2) In the application of Parts I and III of this Act as respects transferred matters in Northern Ireland—
  - [<sup>F1</sup>(za) in section 1(2), in the definition of “designating authority”, for the words from “in relation” (in the first place they appear) to the end there is substituted “means the Department of Health and Social Services for Northern Ireland;”]
  - (a) subject to [<sup>F2</sup>paragraphs (ab) and] (b) below, for any reference [<sup>F3</sup>in Part III] to the Ministers or either of them there is substituted a reference to the Department of Agriculture for Northern Ireland;
  - [<sup>F4</sup>(ab) subject to paragraph (b) below, in section 16 for any reference to the Ministers or either of them there is substituted a reference to the Department of Agriculture for Northern Ireland and the Department of Health and Social Services for Northern Ireland acting jointly;]
  - (b) for any reference to the Ministers or either of them in section 16(2)(g) and (l) [<sup>F5</sup>, 16(13A)], 17, . . . <sup>F6</sup> and 19(1) above there is substituted a reference to any Northern Ireland Department;
  - (c) for any reference to Parliament, each or either House of Parliament or both Houses of Parliament, there is substituted a reference to the Northern Ireland Assembly;
  - (d) for any reference to the Treasury there is substituted a reference to the Department of Finance and Personnel for Northern Ireland;

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*Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.*

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- (e) in section 16(10), for the reference to [<sup>F7</sup>the Health and Safety Executive] there is substituted a reference to the Health and Safety Agency for Northern Ireland; and
- (f) section 17(4)(a) is omitted.

[<sup>F8</sup>(2A) In the application of section 16 as respects transferred matters in Northern Ireland, for subsection (6) of section 16 substitute—

(“ Regulations—

- (a) if contained in a statutory rule which includes any regulations made under section 2(2) of the <sup>M1</sup> European Communities Act 1972, shall be subject to negative resolution within the meaning of section 41(6) of the <sup>M2</sup> Interpretation Act (Northern Ireland) 1954;
- (b) in any other case, shall not be made unless a draft of them has been laid before and approved by resolution of the Northern Ireland Assembly.”.]

(3) In the application of Part II of this Act to Northern Ireland—

- (a) in relation to Northern Ireland or United Kingdom waters adjacent to Northern Ireland—
  - (i) for any reference to the Ministers or either or one or other of them, other than the reference in section 12(1) above, there is substituted a reference to the Department of Environment for Northern Ireland ;
  - (ii) for section 7(4) there is substituted the following subsection—

“(4) A rule made by the Department of the Environment for Northern Ireland under this section shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.” ; and

[<sup>F9</sup>(iii) in section 14(8), for the words from “and any such power” onwards there shall be substituted the words “and any such regulations shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954; and”]

- (b) for any reference to the consent of the Treasury there is substituted a reference to the consent of the Department of the Finance and Personnel if the licensing authority referred to in the provision in question is the Department of the Environment for Northern Ireland.

(4) In section 20 above and Schedule 5 to this Act—

- (a) any reference to the Crown includes a reference to the Crown in right of Her Majesty’s Government in Northern Ireland; and
- (b) “government department” includes a Northern Ireland department.

[<sup>F10</sup>(4A) Section 24(1) above shall have effect in relation to Northern Ireland as if for the definition of “food” there were substituted the following definition—

<sup>F11</sup>[ “food” has the same meaning as in the Food Safety (Northern Ireland) Order 1991  
 ]]

(5) An order or regulations made under this Act by a Northern Ireland department shall be a statutory rule for the purposes of the <sup>M3</sup>Statutory Rules (Northern Ireland) Order 1979 and references to a statutory instrument shall be construed accordingly.

(6) In this section “transferred matters” has the meaning assigned to it by section 43(2) of the <sup>M4</sup>Northern Ireland Constitution Act 1973.

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### Textual Amendments

- F1** S. 25(2)(za) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 6(6)(a)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** Words in s. 25(2)(a) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 6(6)(b)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F3** Words in s. 25(2)(a) inserted (11.11.1999) by 1999 c. 28, ss. 40(1), 43(3), **Sch. 5 para. 6(5)(a)** (with ss. 38, 40(2))
- F4** S. 25(2)(ab) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 6(6)(c)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F5** “, 16(13A)” inserted by Pesticides (Fees and Enforcement) Act 1989 (c. 27, SIF 46:4), **s. 1(3)(a)**
- F6** “18(3)” repealed by Pesticides (Fees and Enforcement) Act 1989 (c. 27, SIF 46:4), **s. 1(3)(b)**
- F7** Words in s. 25(2)(e) substituted (1.4.2008) by Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), **art. 1, Sch. 3** (with art. 21, Sch. 2)
- F8** S. 25(2A) inserted (9.9.1998) by 1998 c. 26, **ss. 1(1)(5)**, 3(b)
- F9** S. 25(3)(a)(iii) inserted (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(1), 164(3), **Sch. 15 para. 25**
- F10** S. 25(4A) inserted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 30**
- F11** Definition in s. 25(4A) substituted (N.I.) (21. 5.1991) by S.I. 1991/762, **art. 51(1), Sch. 2 para. 15; S.R. 1991/175, art. 2(1).**

### Marginal Citations

- M1** 1972 c. 68.
- M2** 1954 c. 33 (N.I.).
- M3** S.I. 1979/1513 (N.I. 12).
- M4** 1973 c. 36.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 25.