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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 3**

**The Food Hygiene Regulations (Northern Ireland) 2006**

**PART 4**

**MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

**Power to issue codes of recommended practice**

**22.**—(1) For the guidance of district councils, the Department may issue codes of recommended practice as regards the execution and enforcement of the Hygiene Regulations and any such code shall be laid before the Assembly after being issued.

(2) The Agency may, after consulting the Department, give a district council a direction requiring the council to take any specified steps in order to comply with a code issued under this regulation.

(3) In exercise of the functions conferred on district councils by or under the Hygiene Regulations, every district council—

(a) shall have regard to any relevant provision of any such code; and

(b) shall comply with any direction which is given under this regulation and requires the council to take any specified steps in order to comply with such a code.

(4) Any direction under paragraph (2) shall, on the application of the Agency, be enforceable by mandatory order.

(5) The Agency shall consult the Department before making an application under paragraph (4).

(6) Before issuing any code under this regulation, the Department shall have regard to any relevant advice given by the Agency.

**Protection of officers acting in good faith**

**23.**—(1) An officer of an enforcement authority is not personally liable in respect of any act done by him—

(a) in the execution or purported execution of the Hygiene Regulations; and

(b) within the scope of his employment,

if he did that act in the honest belief that his duty under the Hygiene Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) shall be construed as relieving any enforcement authority of any liability in respect of the acts of their officers.

(3) Where an action has been brought against an officer of an enforcement authority in respect of an act done by him—

(a) in the execution or purported execution of the Hygiene Regulations; but

(b) outside the scope of his employment,

the authority may indemnify him against the whole or a part of any damages which he has been ordered to pay or any costs which he may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment.

(4) A public analyst appointed by an enforcement authority shall be treated for the purposes of this regulation as being an officer of the council, whether or not his appointment is a whole-time one.

### **Revocation and suspension of designations and appointments**

24.—(1) Subject to paragraphs (2) and (3), the Agency may at any time revoke or suspend—

- (a) the appointment of an official veterinarian;
- (b) the designation of an approved veterinarian; or
- (c) the appointment of an official auxiliary,

if it appears to the Agency that the person in question is unfit to perform any of the functions of that post under the Hygiene Regulations.

(2) Where the Agency revokes or suspends a designation or appointment under paragraph (1), the Agency shall, as soon as practicable, give to the person whose designation or appointment has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and shall afford him an opportunity of—

- (a) making representations in writing to the Agency with regard to the revocation or suspension; or
- (b) being heard by a person nominated by the Agency for the purpose pursuant to paragraph (5) (a).

(3) A notice given under paragraph (2) shall inform the person to whom it is given—

- (a) of his right to make representations in writing;
- (b) of the manner in which and the time (not being less than 21 days from and including the date of the giving of the notice) within which such representations may be made;
- (c) of his right to be heard; and
- (d) of the manner in which and the time (not being less than 21 days from and including the date of the giving of the notice) within which he may apply for an opportunity to be heard.

(4) In the event of the person whose designation or appointment has been revoked or suspended making any representations (whether orally or in writing) under paragraph (3) the Agency shall reconsider whether that person is unfit to perform any of the functions of the post held by him under the Hygiene Regulations and shall, as soon as practicable, reconsider its decision to revoke or suspend the designation or appointment under paragraph (1) in the light of those representations.

(5) Where a person requests the opportunity to be heard pursuant to paragraph (2)(b)—

- (a) the Agency shall nominate a person to determine the matter from the list established under paragraph (6);
- (b) the person so nominated shall serve a notice on the person requesting the opportunity to be heard and the Agency informing them of the time (not being less than 21 days from and including the date of the giving of the notice) of the hearing; and
- (c) the person so nominated shall, within 21 days of and including the date of the hearing, notify the person requesting the opportunity to be heard and the Agency of his decision.

(6) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this regulation and shall consult those organisations appearing to it to represent official veterinarians, approved veterinarians and official auxiliaries before including any person on the list.

### **Food which has not been produced, processed or distributed in accordance with the Hygiene Regulations**

25.—(1) On an inspection of any food, an authorised officer may certify that it has not been produced, processed or distributed in compliance with the Hygiene Regulations.

(2) Where any food is certified as mentioned in paragraph (1) it shall be treated for the purposes of Article 8 of the Order as failing to comply with food safety requirements.

(3) Where any food certified as mentioned in paragraph (1) is part of a batch, lot or consignment of food of the same class or description, all the food in the batch, lot or consignment shall, until it is proved that it has been produced, processed or distributed in compliance with the Hygiene Regulations, be treated for the purposes of paragraph (2) as having been so certified.

### **Bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar**

26. Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar) shall have effect.

### **Temperature control requirements**

27. Schedule 4 (temperature control requirements) shall have effect.

### **Direct supply by the producer of small quantities of meat from poultry or lagomorphs slaughtered on the farm**

28. Schedule 5 (direct supply by the producer of small quantities of meat from poultry or lagomorphs slaughtered on the farm) shall have effect.

### **Restrictions on the sale of raw milk intended for direct human consumption**

29. Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) shall have effect.

### **Consequential amendments**

30. The statutory rules specified in Schedule 7 are amended to the extent specified there.

### **Revocations**

31. The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(1); and the Food Hygiene Regulations (Northern Ireland) 2005(2) are hereby revoked.

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(1) S.R. 1995 No. 396, as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 Nos. 78, 191 and 287, S.R. 2001 No. 429, S.R. 2002 No. 217 and S.R. 2005 No. 35

(2) S.R. 2005 No. 356