

2015 No. 321

FOOD

The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015

Made - - - - *4th August 2015*

Coming into operation - *11th September 2015*

The Department of Health, Social Services and Public Safety(**a**) makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(1), 25, 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**b**), and by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972(**c**).

The Department of Health, Social Services and Public Safety has been designated(**d**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any reference to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry(**e**) to be construed as a reference, specified in regulation 2(3), to the provisions of that regulation as amended from time to time.

So far as the following Regulations are made in exercise of powers under the Food Safety (Northern Ireland) Order 1991, the Department of Health, Social Services and Public Safety has had regard to relevant advice given by the Food Standards Agency in accordance with Article 47(3A) of that Order.

As required by Article 9 of Regulation (EC) No 178/2002(**f**) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(c) 1972 c.68. as amended by the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008(c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c.7)
(d) S.I. 2005/2766, to which there are amendments not relevant to these Regulations
(e) OJ No L 335, 14.12.13, p 19
(f) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14)

European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 and come into operation on 11th September 2015.

Interpretation

2.—(1) In these Regulations—

“authorised officer” means a person authorised by an enforcement authority (within the meaning of the Order) for the purposes of these Regulations;

“batch” has the meaning given in Article 2(2)(b);

“batch code” means any existing mark on a label or packaging, such as a date mark or lot number, which a food business operator can demonstrate, when cross referenced with other information, allows them to identify the origins of the meat;

“Commission Regulation” means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“mass caterer” has the meaning given in Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(a);

“trimmings” has the meaning given in Article 2(2)(a);

“the Order” means the Food Safety (Northern Ireland) Order 1991.

(2) Any reference to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference to the Commission Regulation is a reference to that Regulation as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954(b) applies to these Regulations as it applies to an Act of the Assembly.

Competent authority

3. Each district council within its district is the competent authority for the purposes of—

(a) the third subparagraph of Article 5(1) (labelling of meat where specified rearing period not attained in any member State or third country); and

(b) Article 5(2) (labelling of meat where “origin” indicated on the label).

Enforcement authorities

4.—(1) These Regulations are enforced by each district council within its district.

(a) OJ No L 304, 22.11.11, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.14, p 7)

(b) 1954 c.33 (NI)

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Application of provisions of the Order

6.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply, with the modification (in the case of Article 9(1)) specified in Part 1 of the Schedule for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to comply with—
 - (i) any of Articles 3 to 6 and 8 of the Commission Regulation; or
 - (ii) regulation 5; and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Article 33 of the Order (powers of entry) applies, with the modifications specified in Part 2 of the Schedule, for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of Articles 3 to 6 and 8 of the Commission Regulation;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of Article 33 as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(3) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Part 3 of the Schedule for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) The provisions of the Order specified in the first column of the table in Part 4 of the Schedule apply with the modifications specified in the second column of that table for the purposes of these Regulations.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 4th August 2015.



Julie Thompson

A senior officer of the Department of Health, Social Services and Public Safety

SCHEDULE

Regulation 6

Modification of provisions of the Order

PART 1

Modification of Article 9(1)

1. For Article 9(1) (improvement notices) substitute—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any of Articles 3 to 6 and 8 of Commission Implementing Regulation (EU)

No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry, or regulation 5 of the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015, the authorised officer may, by a notice served on that person (in this Order referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.”.

PART 2

Modification of Article 33(1)

1. In Article 33(1) (powers of entry)—

- (a) in paragraph (a), for “this Order, or of regulations or orders made under it” substitute “any of Articles 3 to 6 or 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry”; and
- (b) omit paragraph (c).

PART 3

Modification of Article 37 and 38

1. For Article 37(1) (appeals), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under Article 9(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015, may appeal to a court of summary jurisdiction.”.

2. In Article 37(2A)(b) for “(1)(a)” substitute “(1) as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.

3. In both Article 38(1) and (2) (appeals against improvement notices), after “improvement notice” insert “under Article 9(1) as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Certain Meats Regulations (Northern Ireland) 2015”.

PART 4

Application and Modification of other provisions of the Order

<i>Provision of the Order</i>	<i>Modifications</i>
Article 2(4) (extended definition of sale)	For “this Order” substitute “the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.
Article 3 (application to	For “this Order” substitute “the Country of Origin of Certain

<i>Provision of the Order</i>	<i>Modifications</i>
food offered as prizes, etc)	Meats Regulations (Northern Ireland) 2015”.
Article 4 (presumptions that food intended for human consumption)	For “this Order” substitute “the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.
Article 19 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015,”.
Article 20(1) (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015,”.
Article 29 (procurement of samples)	In paragraph (b)(ii), after “under Article 33 below”, insert “including under Article 33 as applied and modified by regulation 6(2) of and Part 2 of the Schedule to, the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.
Article 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.
Article 34 (obstruction etc. of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert “, as applied and modified by regulation 6(4) of, and Part 4 of the Schedule to the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015,”. After paragraph (1), insert— <p style="margin-left: 40px;">“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 6(1) of the Country of Origin of Certain Meat Regulations (Northern Ireland) 2015, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.</p> In paragraph (2)— <p style="margin-left: 40px;">(a) for “any other offence under this Order” substitute “an offence under Article 34(2), as applied by regulation 6(4) of and Part 4 of the Schedule to the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015,”; and (b) in paragraph (b), for “relevant amount” substitute “statutory maximum”.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce certain provisions of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ No L 335, 14.12.13, p 19) (“the Commission Regulation”).

Regulation 3 sets out that each district council within its district is the competent authority for the purposes of Article 5(1) and (2) of the Commission Regulation. Regulation 4 makes District Councils responsible for enforcement of the Regulations.

Regulation 5 requires food business operators to keep records for 12 months from the end of the calendar year to which each record relates.

Regulation 6 and the Schedule apply certain provisions of the Food Safety (Northern Ireland) Order 1991 (1991 N.I. 7) with modifications. This includes the application (with modifications) of Article 9(1), enabling an improvement notice to be served requiring compliance with specified provisions of the Commission Regulation or with regulation 5. The provisions, as applied, make the failure to comply with an improvement notice an offence.

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