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STATUTORY INSTRUMENTS

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**1991 No. 762**

**The Food Safety(Northern Ireland) Order 1991**

**PART II**

**GENERAL PROVISIONS AS TO FOOD**

*Regulations*

**Food safety and consumer protection**

**15.—(1)** Regulations may make—

- (a) provision for requiring, prohibiting or regulating the presence in food or food sources of any specified substance, or any substance of any specified class, and generally for regulating the composition of food;
- (b) provision for securing that food is fit for human consumption and meets such microbiological standards (whether going to the fitness of the food or otherwise) as may be specified by or under the regulations;
- (c) provision for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food;
- (d) provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources;
- (e) provision for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking, presenting or advertising of food, and the descriptions which may be applied to food; and
- (f) such other provision with respect to food or foodsources, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food or food sources, as appears to the Department concerned to be necessary or expedient—
  - (i) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
  - (ii) for the purpose of protecting or promoting the interests of consumers.

**(2)** Regulations may also make provision—

- (a) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to contact materials which are intended to come into contact with food intended for human consumption;
- (b) for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking or advertising of such materials, and the descriptions which may be applied to them; and
- (c) otherwise for prohibiting or regulating the carrying out of commercial operations with respect to such materials.

(3) Without prejudice to the generality of paragraph (1), regulations under that paragraph may make any such provision as is mentioned in Schedule 1.

(4) In making regulations under paragraph (1), the Department concerned shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.

(5) In paragraph (1) and Schedule 1—

- (a) references to food shall be construed as references to food intended for sale for human consumption; and
- (b) references to food sources shall be construed as references to food sources from which such food is intended to be derived.

### **Enforcement of Community provisions**

**16.**—(1) Regulations may make such provision with respect to food, food sources or contact materials, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food, food sources or contact materials, as appears to the Department concerned to be called for by any Community obligation.

(2) As respects any directly applicable Community provision which relates to food, food sources or contact materials and for which, in the opinion of the Department concerned, it is appropriate to provide under this Order, regulations may—

- (a) make such provision as the Department concerned considers necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Order; and
- (b) apply such of the provisions of this Order as may be specified in the regulations in relation to the Community provision with such modifications, if any, as may be so specified.

(3) In paragraphs (1) and (2) references to food or food sources shall be construed in accordance with Article 15(5).

### **Special provisions for particular foods, etc.**

**17.**—(1) Regulations may make provision—

- (a) for prohibiting the carrying out of commercial operations with respect to novel foods or food sources from which such foods are intended to be derived of any class specified in the regulations; or
- (b) for prohibiting the carrying out of such operations with respect to genetically modified food sources, or foods derived from such food sources, of any class so specified;

and in either case for excluding from the prohibition any food or food source which is of a description specified by or under the regulations.

(2) Regulations may also—

- (a) prescribe, in relation to milk of any description which complies with such requirements as may be prescribed, such designation as the Department concerned considers appropriate;
- (b) prohibit—
  - (i) all sales by retail; or
  - (ii) use, or possession for use, for the purposes of a business,

of milk, unless the milk is of a description to which a designation has been prescribed under sub-paragraph (a) and complies with the requirements of milk of that designation;

- (c) make provision for—

- (i) the issue of milk licences;
- (ii) the authorisation of the sale of milk produced by the holder of a milk licence in any area where no milk of a description prescribed under sub-paragraph (a) is available; and
- (iii) the imposition of conditions subject to which such a sale may be made.

(3) For the purposes of this Article a food source is genetically modified if any of the genes or other genetic material in the food source—

- (a) has been modified by means of an artificial technique; or
- (b) is inherited or otherwise derived through any number of replications, from genetic material which was so modified;

and in this paragraph “artificial technique” does not include any technique which involves no more than, or no more than the assistance of, naturally occurring processes of reproduction (including selective breeding techniques or in vitro fertilisation).

### **Registration and licensing of food premises**

**18.**—(1) Regulations may make provision—

- (a) for the registration by district councils of premises used or proposed to be used for the purposes of a food business, and for prohibiting the use for those purposes of any premises which are not registered in accordance with the regulations; or
- (b) subject to paragraph (2), for the issue by district councils or, as the case may be, the Department of Agriculture of licences in respect of the use of premises for the purposes of a food business, and for prohibiting the use for those purposes of any premises except in accordance with a licence issued under the regulations.

(2) The Department concerned shall exercise the power conferred by paragraph (1)(b) only where it appears to that Department to be necessary or expedient to do so—

- (a) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
- (b) for the purpose of protecting or promoting the interests of consumers.