
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety(Northern Ireland) Order 1991

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Powers of Department

Power to issue codes of practice

39.—(1) For the guidance of district councils, the Department may issue codes of recommended practice as regards the execution and enforcement of this Order and of regulations and orders made under it; and any such code shall be laid before the Assembly after being issued.

(2) In the exercise of the functions conferred on district councils by or under this Order, 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 by the Department and requires the council to take any specified steps in order to comply with such a code.

(3) Any direction under paragraph (2)(b) shall, on the application of the Department, be enforceable by mandamus.

(4) Before issuing any code under this Article, the Department shall consult with such organisations as appear to the Department to be representative of interests likely to be substantially affected by the code.

(5) Any consultation undertaken before paragraph (4) comes into operation shall be as effective, for the purposes of that paragraph, as if undertaken after that paragraph comes into operation.

Power to require returns

40. Every district council shall send to the Department such reports and returns, and give to the Department such information, with respect to the exercise of the functions conferred on district councils by or under this Order, as the Department may require.

Default powers

41.—(1) Where the Department is satisfied that—

- (a) a district council (in this Article referred to as “the council in default”) have failed to discharge any functions conferred by or under this Order; and
- (b) the council’s failure affects the general interests of consumers of food,

the Department may, by order, empower an officer of the Department to exercise, or procure the exercise of, that function in place of the council in default.

(2) For the purpose of determining whether the power conferred by paragraph (1) is exercisable, the Department may cause a local inquiry to be held.

(3) The Department may recover from the council in default any expenses reasonably incurred by it under paragraph (1); and for the purpose of paying any such amount the council in default may—

- (a) raise money as if the expenses had been incurred directly by it as a district council; and
- (b) if and to the extent that they are authorised to do so by the Department, borrow money in accordance with the statutory provisions relating to borrowing by a district council.