

SCHEDULE 4

Regulation 12

Application and 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 a provision specified in subparagraph (1A), 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.

(1A) The provisions are—

- (a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provisions applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
- (b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;
- (c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or
- (d) any of the following provisions of the Food Information Regulations (Northern Ireland) 2014—
 - (i) regulation 5(3), (4) or (5);
 - (ii) regulation 6(1) or (4);
 - (iii) regulation 7(1), (4) or (5); or
 - (iv) regulation 8(1) or (3).”.

PART 2

Modification of Article 33(1)

1. In Article 33(1) for subparagraphs (a) to (c) (powers of entry) substitute—
 - “(a) to enter any premises within the council’s district for the purpose of ascertaining whether there is or has been on the premises any contravention of—
 - (i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Schedule 5, Part 2 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and
 - (iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations (Northern Ireland) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); and
 - (b) to enter any business premises, whether within or outside of the council’s district, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

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 to serve an improvement notice under Article 9(1), as applied and modified by regulation 12(1) of, and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014, 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 12(1) of and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014,”.
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 12(1) of, and Schedule 4, Part 1 to, the Food Information Regulations (Northern Ireland) 2014”.

PART 4

Application and modification of other provisions of the Order

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Order</i>	<i>Modifications</i>
Article 4 (presumptions that food intended for human consumption)	For “this Order” substitute “The Food Information Regulations (Northern Ireland) 2014”
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 12(1) of the Food Information Regulations (Northern Ireland) 2014, or regulation 10 of those Regulations”.
Article 20 (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “Article 9(2), as applied by regulation 12(1) of the Food Information Regulations (Northern Ireland) 2014, or regulation 10 of those Regulations.”. In paragraph (2) for “Article 13 or 14” substitute “regulation 10 of the Food Information Regulations (Northern Ireland) 2014”
Article 21 (defence of publication in the course of business)	For “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information Regulations (Northern Ireland) 2014”.
Article 29 (procurement of samples)	In paragraph (b)(ii) after “under Article 33” insert “ including under Article 33, as applied and modified by regulation 12(2) of, Schedule 4, Part 2 to, the Food Information Regulations (Northern Ireland) 2014”.
Article 30(8) (which relates to documentary evidence)	For “this Order” substitute “the Food Information Regulations (Northern Ireland) 2014”.
Article 34 (obstruction etc. of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Food Information Regulations (Northern Ireland) 2014”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert “, as applied and modified by regulation 12(4) of, and Schedule 4, Part 4 to, the Food Information Regulations (Northern Ireland) 2014,”. After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 12(1) of the Food Information Regulations (Northern Ireland) 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In paragraph (2)— (a) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 12(4), of and Schedule 4, Part 4 to, the Food Information Regulations (Northern Ireland) 2014,”; and

Status: This is the original version (as it was originally made).

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Order</i>	<i>Modifications</i>
	(b) in subparagraph(b), for “the relevant amount”, substitute “the statutory maximum”.
