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STATUTORY INSTRUMENTS

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**1989 No. 846**

**The Food (Northern Ireland) Order 1989**

**PART II**

**GENERAL PROVISIONS AS TO FOOD**

*Food unfit for human consumption*

**Examination and seizure of suspected food**

**11.**—(1) An authorised officer of a district council may—

- (a) at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale; and
- (b) if it appears to him to be unfit for human consumption, seize it and remove it in order to have it dealt with by a justice of the peace.

(2) An officer who seizes any food under paragraph (1) shall inform the person in whose possession the food was found of his intention to have it dealt with by a justice of the peace, and any person who under Article 10 might be liable to a prosecution in respect of the food shall, if he attends before the justice upon the application for its condemnation, be entitled to be heard and call witnesses.

(3) If it appears to a justice of the peace that any food brought before him, whether seized under the provisions of this Article or liable to be so seized, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) Any order made under paragraph (3) shall be sufficient evidence of the unfitness for human consumption of the food in question in any prosecution under this Order.

(5) If a justice of the peace refuses to condemn any food seized under this Article by an authorised officer of a district council, the council shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.