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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**

*Registration and licensing*

**Registration of manufacturers of, and traders in, ice-cream**

**18.**—(1) A person shall not use any premises for—

- (a) the manufacture of ice-cream for the purpose of sale for human consumption;
- (b) the storage of ice-cream intended for sale for human consumption;
- (c) the sale of ice-cream for human consumption;

unless those premises are registered for that purpose by the district council.

(2) A person who uses any premises in contravention of paragraph (1) shall be guilty of an offence.

(3) An application for registration under this Article in respect of any premises shall—

- (a) be made by the person who proposes to use the premises;
- (b) contain such information in relation to those premises as the district council may require;
- (c) where the application is in respect of premises not yet erected, or of premises to be reconstructed, be accompanied by plans showing the proposed works.

(4) Subject to the provisions of this Article, the district council shall, on an application for registration under this Article being duly made by a person in respect of any premises—

- (a) register those premises; and
- (b) issue to that person, upon payment of a fee of 10p or such other amount as may be prescribed, a certificate of registration.

(5) Where an application is made for registration under this Article, or where premises are registered under this Article, and it appears to the district council—

- (a) that the requirements of regulations in force under Article 15 are not complied with in connection with the business carried on at the registered premises, or in connection with the registered premises, or, as the case may be, in connection with the premises specified in the application; or
- (b) that the premises or any part of them are otherwise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on in them) for use for the purpose or purposes specified in the application, or for which they are used, as the case may be;

the council may refuse or, as the case may be, may cancel or vary the registration.

- (6) A district council shall not refuse, cancel or vary any registration under this Article unless—
- (a) the council has served on the applicant or the occupier of the premises a notice of its proposal so to do for reasons specified in the notice, stating the place and time, not being less than twenty-one days after the date of the service of the notice, at which the council will take the matter into consideration, and informing him that he may appear (and be represented, if he so desires, by counsel or solicitor) before the council, with any witnesses he desires to call, at that place and time to show cause why the council should not proceed with the proposal; and
  - (b) the applicant or occupier fails to show cause to the satisfaction of the council.
- (7) If—
- (a) the district council refuses, cancels or varies a registration under this Article; and
  - (b) the applicant or the occupier requests the council for a statement of the reasons for its decision;

the council shall, within forty-eight hours of receiving the request, give the applicant or occupier such a statement, and that statement shall contain a reference to the rights of appeal conferred by paragraph (8).

(8) A person aggrieved by a decision of a district council under this Article to refuse, cancel or vary any registration may appeal to a court of summary jurisdiction.

(9) A register kept by a district council under this Article shall be open to public inspection free of charge at all reasonable hours.

(10) The occupier of premises registered under this Article shall keep the certificate of registration fixed in a conspicuous place in those premises.

(11) Upon any change in the occupation of premises registered under this Article the incoming occupier shall, within fourteen days of that change, give notice of that change to the district council.

(12) Any person who fails to comply with the provisions of paragraph (10) or paragraph (11) shall be guilty of an offence.

(13) Nothing in Article 16 shall apply in relation to any premises registered under this Article.

#### **Extension to other food businesses of provisions relating to registration, etc.**

**19.—**(1) The Department may—

- (a) by regulations prescribe that persons intending to use any premises for the purposes of any food business specified in those regulations shall give notice to the district council of that intention;
- (b) by order apply, with or without modifications, the provisions of Article 18 to any food business specified in the order.

(2) An order made under paragraph (1)(b) shall be subject to affirmative resolution.

#### **Licensing of vehicles, etc.**

**20.—**(1) Subject to the provisions of this Article, the Department may make regulations providing—

- (a) for the issue by district councils of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption; and
- (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence issued under the regulations.

(2) Regulations made under this Article may provide for the refusal or cancellation of a licence under the regulations, either wholly or in respect of a part of the business for which the licence is applied for or is held—

- (a) where the requirements of regulations in force under Article 15 are not complied with in relation to that business; or
- (b) where the applicant or holder is unable, or has failed, to comply, in relation to that business, with any byelaws in force under Article 17;

and such regulations shall make provision for—

- (i) affording to persons aggrieved by any such refusal or cancellation an opportunity to make representations to the district council;
- (ii) giving to such persons a right of appeal from the decision of the district council to a court of summary jurisdiction.