
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety(Northern Ireland) Order 1991

PART II

GENERAL PROVISIONS AS TO FOOD

Food safety

Emergency control orders

12.—(1) If it appears to the Department concerned that the carrying out of commercial operations with respect to food, food sources or contact materials of any class or description involves or may involve imminent risk of injury to health, that Department may, by order (an “emergency control order”), prohibit the carrying out of such operations with respect to food, food sources or contact materials of that class or description.

(2) Any person who knowingly contravenes an emergency control order shall be guilty of an offence.

(3) The Department concerned may consent, either unconditionally or subject to any condition that that Department considers appropriate, to the doing in a particular case of anything prohibited by an emergency control order.

(4) It shall be a defence for a person charged with an offence under paragraph (2) to show—

- (a) that consent had been given under paragraph (3) to the contravention of the emergency control order; and
- (b) that any condition subject to which that consent was given was complied with.

(5) The Department concerned—

- (a) may give such directions as appear to that Department to be necessary or expedient for the purpose of preventing the carrying out of commercial operations with respect to any food, food sources or contact materials which that Department believes, on reasonable grounds, to be food, food sources or contact materials to which an emergency control order applies; and
- (b) may do anything which appears to that Department to be necessary or expedient for that purpose.

(6) Any person who fails to comply with a direction under this Article shall be guilty of an offence.

(7) If the Department concerned does anything by virtue of this Article in consequence of any person failing to comply with an emergency control order or a direction under this Article, that Department may recover from that person any expenses reasonably incurred by that Department under this Article.

(8) For the purposes of this Article, in the case of food or food sources which have left a designated area within the meaning of section 1(2) of the Food and Environment Protection Act 1985⁽¹⁾ and

which were subject to an order under that section 1, the Department concerned means the Department of Agriculture.