
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,^[F1] 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.

^[F1](1A) The Food Standards Agency may, after consulting the Department, give a district council a direction requiring the council to take any specified steps in order to comply with a code under this Article.]

(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^[F1] under this Article and] requires the council to take any specified steps in order to comply with such a code.

(3) Any direction under^[F1] paragraph (1A)] shall, on the application of^[F1] the Food Standards Agency], be enforceable by mandamus.

^[F1](3A) The Food Standards Agency shall consult the Department before making an application under paragraph (3).]

(4) Before issuing any code under this Article,^[F1] the Department] shall

^[F1](a) ^[F2]Subject to paragraph (4B),] consult with such organisations as appear to^[F1] the Department] to be representative of interests likely to be substantially affected by the code^[F1]; and]

^[F1](b) have regard to any relevant advice given by the Food Standards Agency]

^[F1](4A) If it appears to the Department that the Food Standards Agency has undertaken any consultation with an organisation that the Department is required to consult under paragraph (4), the Department may treat that consultation as being as effective for the purposes of that paragraph as if undertaken by the Department.]

^[F2](4B) Paragraph (4)(a) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.]

(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.

Changes to legislation: *There are currently no known outstanding effects for the The Food Safety (Northern Ireland) Order 1991, Section 39. (See end of Document for details)*

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| F1 | 1999 c. 28 |
| F2 | SR 2004/482 |

Changes to legislation:

There are currently no known outstanding effects for the The Food Safety (Northern Ireland) Order 1991, Section 39.