
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety(Northern Ireland) Order 1991

PART II

GENERAL PROVISIONS AS TO FOOD

Miscellaneous and supplemental

Provision of food hygiene training

22.—(1) A district council may provide, whether within or outside its district, training courses in food hygiene for persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise.

(2) The Department of Agriculture may provide training courses in food hygiene for persons who are or intend to become involved in liquid milk plants or dairy farms, whether as proprietors or employees or otherwise.

(3) A district council or, as the case may be, that Department may contribute towards the expenses incurred under this Article by any other council or, as the case may be, that Department, or towards expenses incurred by any other person in providing, such courses as are mentioned in paragraph (1) or (2).

Provision of facilities for cleansing shellfish

23.—(1) A district council may provide, whether within or outside its district, tanks or other apparatus for cleansing shellfish.

(2) A district council may contribute towards the expenses incurred under this Article by any other council, or towards expenses incurred by any other person in providing, and making available to the public, tanks or other apparatus for cleansing shellfish.

(3) Nothing in this Article shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may before the work is commenced be approved by the Department of the Environment.

(4) In this Article “cleansing”, in relation to shellfish, includes subjecting them to any germicidal treatment.

Orders for facilitating the exercise of functions

24.—(1) For the purpose of facilitating the exercise of its functions, the Department concerned may by order require every person who at the date of the order, or at any subsequent time, carries on a business of a specified class or description (a “relevant business”)—

- (a) to afford to persons specified in the order such facilities for the taking of samples of any food, substance or contact material to which paragraph (2) applies; or
- (b) to furnish to persons so specified such information concerning any such food, substance or contact material,

as (in each case) is specified in the order and is reasonably required by such persons.

(2) This paragraph applies to—

- (a) any food of a class specified in the order which is sold or intended to be sold in the course of a relevant business for human consumption;
- (b) any substance of a class so specified which is sold in the course of such a business for use in the preparation of food for human consumption, or is used for that purpose in the course of such a business; and
- (c) any contact material of a class so specified which is sold in the course of such a business and is intended to come into contact with food intended for human consumption.

(3) Information relating to any individual business which is obtained by means of an order under paragraph (1) shall not, without the previous consent in writing of the person carrying on the business, be disclosed except—

- (a) in accordance with directions of the Department concerned, so far as may be necessary for the purposes of this Order or of any corresponding statutory provision in force in Great Britain, or for the purpose of complying with any Community obligation; or
- (b) for the purposes of any proceedings for an offence against the order or any report of those proceedings;

and any person who discloses any such information in contravention of this paragraph shall be guilty of an offence.

(4) In paragraph (3) the reference to a disclosure being necessary for the purposes of this Order includes a reference to it being necessary—

- (a) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
- (b) for the purpose of protecting or promoting the interests of consumers;

and the reference to a disclosure being necessary for the purposes of any corresponding statutory provision in force in Great Britain shall be construed accordingly.

Regulations and orders: supplementary provisions

25.—(1) Regulations under this Part may—

- (a) make provision for prohibiting or regulating the carrying out of commercial operations with respect to any food, food source or contact material—
 - (i) which fails to comply with the regulations; or
 - (ii) in relation to which an offence against the regulations has been committed, or would have been committed if any relevant act or omission had taken place in Northern Ireland; and
- (b) without prejudice to the generality of Article 8, provide that any food which, in accordance with the regulations, is certified as being such food as is mentioned in sub-paragraph (a) may be treated for the purposes of that Article as failing to comply with food safety requirements.

(2) Regulations under this Part may also—

- (a) require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns;
 - (b) prescribe the particulars to be entered on any register required to be kept in accordance with the regulations;
 - (c) require any such register to be open to inspection by the public at all reasonable times and, subject to that, authorise it to be kept by means of a computer;
 - (d) prescribe the periods for which and the conditions subject to which licences may be issued, and provide for the subsequent alteration of conditions and for the cancellation, suspension or revocation of licences;
 - (e) provide for an appeal to a magistrates' court against any decision of a district council or the Department of Agriculture or of an authorised officer.
- (3) Regulations under this Part or an order under Article 24 may—
- (a) provide that an offence under the regulations or order shall be punishable on summary conviction or on indictment or in either one way or the other; and
 - (b) include provisions under which a person guilty of such an offence shall be liable to such penalties (not exceeding those which may be imposed in respect of offences under this Order) as may be specified in the regulations or order.