
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety (Northern Ireland) Order 1991

PART III

ADMINISTRATION AND ENFORCEMENT

Administration

Enforcement of this Order

26.—^[F1](1) Subject to^[F2] paragraphs (1A) and (1B)], the provisions of this Order shall be enforced and executed by each district council within its district.

(1A) The Department of Agriculture shall enforce and execute such provisions of this Order as may be specified by order.]

^[F2](1B) The Food Standards Agency shall enforce and execute such provisions of this Order as may be specified by order.]

(2) ^[F1]The^[F2] Department] may direct, in relation to cases of a particular description or a particular case, that any duty imposed on district councils by paragraph (1) shall be discharged by^[F1]^[F2] the Department, the Department of Agriculture or the Food Standards Agency] or any person who is generally or specially authorised in writing by^[F2] the Department, the Department of Agriculture or the Food Standards Agency]] and not by those councils.

(3) Regulations or orders shall specify which authorities are to enforce and execute them, either generally or in relation to cases of a particular description or a particular area, and any such regulations or orders may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations or orders, or of any provisions of this Order, to any other authority so concerned, for the purposes of their respective duties under them.

^[F2](3A) Regulations or orders under paragraph (3) may specify the Food Standards Agency as an authority to enforce and execute them and references in that paragraph to any authority concerned include references to the Food Standards Agency.]

(4) The^[F2] Department] may take over the conduct of any^{F1}. . . proceedings which have been instituted by a district council^[F2] or may direct the Food Standards Agency to do so^[F1] under any provisions of this Order or any regulations or orders made under it].

^[F2](4A) The Food Standards Agency may take over the conduct of any such proceedings but (unless the Agency has been directed to do so under paragraph (4)) only with the consent of the district council which instituted them.]

Para. (5) rep. by 1996 NI 12

F1 1996 NI 12

F2 1999 c. 28

Status: Point in time view as at 01/01/2006.

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

Appointment of public and other analysts

27.—(1) Every district council shall appoint in accordance with this Article one or more than one person (“public analysts”) to act as analysts within the district of the council for the purposes of the functions conferred on district councils by this Order.

(2) A person shall not be appointed as a public analyst unless he possesses—

- (a) such qualifications as may be prescribed by regulations; or
- (b) such other qualifications as the Department may approve.

(3) A person who is engaged directly or indirectly in any food business which is carried on in any district shall not be appointed public analyst for that district.

(4) A district council shall pay to a public analyst such remuneration as may be agreed upon by the council and the analyst, and that remuneration may be expressed to be payable—

- (a) in addition to any fees received by him under this Part; or
- (b) on condition that any fees so received by him are paid over by him to the council.

(5) A district council which appoints only one public analyst may appoint also a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and the provisions of paragraphs (2) to (4) shall apply in relation to a deputy public analyst as they apply in relation to a public analyst.

(6) The Department of Agriculture may appoint one or more than one person to act as analysts for the purposes of the functions^{F3} of that Department under] this Order; and the provisions of paragraphs (2), (4) and (5) shall apply to an analyst appointed by that Department under this paragraph as they apply to a public analyst appointed by a district council under paragraph (1) with the following modifications—

Sub#para. (a) rep. by 1999 c. 28

- (b) in paragraphs (4) and (5) for any reference to a district council there shall be substituted a reference to the Department of Agriculture.

F3 1996 NI 12

Provision of facilities for examinations

28. A district council may provide facilities for examinations for the purposes of this Order.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Food Safety (Northern Ireland) Order 1991, Cross Heading: Administration.