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STATUTORY INSTRUMENTS

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**1991 No. 762**

**The Food Safety(Northern Ireland) Order 1991**

**PART IV**

**MISCELLANEOUS AND SUPPLEMENTAL**

*Supplemental*

**Regulations and orders**

**47.**—(1) Nothing in this Order shall authorise the Department concerned to make provision by order or regulations for prohibiting or regulating the carrying out of any commercial operation in relation to any food or contact material in so far as it relates to importation except where such provision is made with a view to the prevention of disease (including the protection of human health) or is made with respect to services in connection with, or the regulation of, the quality, transport, marketing or identification of food or contact material.

(2) Any power of the Department concerned to make regulations or an order under this Order includes power—

- (a) to apply, with modifications and adaptations, any other statutory provision (including one contained in this Order) which deals with matters similar to those being dealt with by the regulations or order; and
- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Department concerned considers necessary or expedient.

(3) Before making—

- (a) any regulations under this Order, other than regulations under Article 16(2); or
- (b) any order under Part I,

the Department concerned shall consult with such organisations as appear to that Department to be representative of interests likely to be substantially affected by the regulations or order.

(4) Any consultation undertaken before paragraph (3) comes into operation shall be as effective, for the purposes of that paragraph, as if undertaken after that paragraph comes into operation.

**Form and authentication of documents**

**48.**—(1) The following shall be in writing, namely—

- (a) all documents authorised or required by or under this Order to be given, made or issued by a district council or the Department of Agriculture; and
- (b) all notices and applications authorised or required by or under this Order to be given or made to, or to any authorised officer of, a district council or the Department of Agriculture.

(2) Regulations may prescribe the form of, and the manner of authentication (if any) of, any document to be used for any of the purposes of this Order and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

### **Application to Crown**

**49.**—(1) Subject to the provisions of this Article, the provisions of this Order and of regulations and orders made under it shall bind the Crown including the Crown in right of Her Majesty's Government in the United Kingdom.

(2) No contravention by the Crown of any provision of this Order or of any regulations or order made under it shall make the Crown criminally liable; but the High Court may, on the application of the Department of Agriculture or, as the case may be, a district council, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), the provisions of this Order and of regulations and orders made under it shall apply to persons in the public service of the Crown as they apply to other persons.

(4) If the Secretary of State certifies that it appears to him requisite or expedient in the interests of national security that the powers of entry conferred by Article 33 should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises; and in this paragraph "Crown premises" means premises held or used by or on behalf of the Crown.

### **Water supply**

**50.**—(1) Nothing in Part II or in any order or regulations made under that Part shall apply in relation to the supply of water to any premises, whether by the Department of the Environment or by means of a private water supply.

(2) In this Article "private water supply" means a water supply provided otherwise than by that Department and includes a supply provided for the purpose of bottling.

### **Amendments, transitional provisions, savings and repeals**

**51.**—(1) The statutory provisions set out in Schedule 2 shall have effect subject to the amendments specified in that Schedule (being amendments consequential on this Order).

(2) Without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954,<sup>(1)</sup> an order may make such modifications of instruments made under statutory provisions as appear to the Department concerned to be necessary or expedient in consequence of the provisions of this Order; and in this paragraph "instruments" has the meaning assigned to it by section 1(c) of that Act of 1954.

(3) The transitional provisions and savings in Schedule 3 shall have effect for the purposes of this Order.

(4) The statutory provisions set out in Schedule 4 are hereby repealed to the extent specified in column 3 of that Schedule.

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(1) 1954 c. 33 (N.I.)