

SCHEDULES

SCHEDULE 1

Article 15(3).

PROVISIONS OF REGULATIONS UNDER ARTICLE 15(1)

Composition of food

1. Provision for prohibiting or regulating—

- (a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or
- (b) the possession of any such substance for use in the preparation of food.

Fitness, etc., of food

2.—(1) Provision for prohibiting—

- (a) the sale for human consumption; or
- (b) the use in the manufacture of products for sale for such consumption,

of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.

(2) Provision for prohibiting or regulating, or for enabling district councils to prohibit or regulate—

- (a) the sale for human consumption; or
- (b) the offer, exposure or distribution for sale for such consumption,

of shellfish taken from beds or other layings for the time being designated by or under the regulations.

3. Provision for regulating generally the treatment and disposal of any food—

- (a) which is unfit for human consumption; or
- (b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.

Processing and treatment of food

4. Provision for the following, namely—

- (a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or
- (b) for the issue by district councils or, as the case may be, the Department of Agriculture of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

Status: This is the original version (as it was originally made).

Food hygiene

5.—(1) Provision for imposing requirements as to—

- (a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;
- (b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and
- (c) the disposal of refuse from such premises.

(2) Provision for imposing requirements as to—

- (a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and
- (b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.

(3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.

6.—(1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) in respect of any premises—

- (a) on the occupier of the premises; and
- (b) in the case of requirements of a structural character, on any owner of the premises who either—
 - (i) lets them for use for a purpose to which the regulations apply; or
 - (ii) permits them to be so used after notice from the district council or, as the case may be, the Department of Agriculture.

(2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which—

- (a) are contained in the regulations; and
- (b) are made by virtue of paragraph 5(1),

while there is in force a certificate of the district council or, as the case may be, the Department of Agriculture to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

Inspection, etc., of food sources

7.—(1) Provision for securing the inspection of food sources by authorised officers for the purpose of ascertaining whether they—

- (a) fail to comply with the requirements of the regulations; or
- (b) are such that any food derived from them is likely to fail to comply with those requirements.

(2) Provision for enabling an authorised officer, if it appears to him on such an inspection that any food source falls within sub-paragraph (1)(a) or (b), to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn—

- (a) no commercial operations are to be carried out with respect to the food source; and

(b) the food source either is not to be removed or is not to be removed except to some place so specified.

(3) Provision for enabling an authorised officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

SCHEDULE 2

Article 51(1).

AMENDMENTS

The Interpretation Act (Northern Ireland) 1954 (c. 33)

1. In section 43(2) (definitions for official purposes), in the definition of “public analyst” for “the Food (Northern Ireland) Order 1989” substitute “Article 27(1) of the Food Safety (Northern Ireland) Order 1991”.

The Marketing of Milk Products Act (Northern Ireland) 1958 (c. 31)

2. In section 7 (substance permitted for use in cream by regulations)—
 - (a) in subsection (3) for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”;
 - (b) subsection (5) shall be omitted.
3. Section 15(1A) (regulations) shall be omitted.

The Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (c. 13)

4. In section 19 (savings) for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.
5. In section 20 (regulations) for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.

The Horticulture Act (Northern Ireland) 1966 (c. 15)

6. In section 33(3) (regulations) for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.
7. In section 36 (savings) for paragraph (b) substitute—

“(b) the Food Safety (Northern Ireland) Order 1991.”.

The Trade Descriptions Act 1968 (c. 29)

8. In section 2(5)(a) (certain descriptions to be deemed not to be trade descriptions) for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.
9. In section 22(2A) (admissibility of evidence in proceedings for offences under the Act)—
 - (a) in the definition of “the food and drugs laws” for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”;
 - (b) in the definition of “the relevant provisions”—

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- (i) in paragraph (iii) for “Articles 40 and 44” substitute “Article 31 and regulations made thereunder”;
- (ii) for “Article 72 or 73” substitute “Article 16”.

The Medicines Act 1968 (c. 67)

10. In paragraph 1(2) of Schedule 3 (sampling), for “Article 36 of the Food (Northern Ireland) Order 1989” substitute “Article 27(1) of the Food Safety (Northern Ireland) Order 1991”.

The Weights and Measures, &c. Act 1976 (c. 77)

- 11.** In section 12 (shortages of food or other goods)—
- (a) in subsection (1) for paragraph (c) substitute—
 - “(c) Article 15 of the Food Safety (Northern Ireland) Order 1991 (the “1991 Order”); or”;
 - (b) in subsection (9)(b) for “1989 Order” substitute “1991 Order”.
- 12.** For paragraph 4 of Schedule 6 (temporary requirements imposed by emergency orders) substitute—

“Food Safety (Northern Ireland) Order 1991 (NI 7)

- 4.—**(1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food Safety (Northern Ireland) Order 1991.
- (2) The following provisions of that Order—
- (a) Part I (introductory);
 - (b) Part III (administration and enforcement); and
 - (c) Articles 38 to 46 (default powers and other supplemental provisions),
- shall apply as if the substituted requirement were imposed by regulations under Article 15 of that Order.”.

The Hydrocarbon Oil Duties Act 1979 (c. 5)

13. In paragraph 5(d) of Schedule 5 (sampling) for “Article 36 of the Food (Northern Ireland) Order 1989” substitute “Article 27(1) of the Food Safety (Northern Ireland) Order 1991”.

The Weights and Measures (Northern Ireland) Order 1981 (NI 10)

14. In Article 2(2) in the definition of “drugs” and “food” for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.

The Food and Environment Protection Act 1985 (c. 48)

- 15.** In section 25(4A) (Northern Ireland) for the definition of “food” substitute—
- ““food” has the same meaning as in the Food Safety (Northern Ireland) Order 1991”.

The Health and Personal Social Services (Amendment)(Northern Ireland) Order 1986 (NI 20)

16. In Article 2(2), for the definition of “the food legislation” substitute—

““the food legislation” means the Food Safety (Northern Ireland) Order 1991 and any regulations or order made (or having effect as if made) under it;”.

The Consumer Protection Act 1987 (c. 43)

17. In section 19(1) (interpretation of Part II), in the definition of “food” for “Food (Northern Ireland) Order 1989” substitute “Food Safety (Northern Ireland) Order 1991”.

SCHEDULE 3

Article 51(3).

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1. In this Schedule—

“the appointed day” for the purposes of this Schedule means the day appointed under Article 1(2) for the coming into operation of that provision;

“existing regulations” means—

- (a) any regulations made, or having effect as if made, under a provision repealed by this Order; and
- (b) any orders having effect as if made under such regulations, which are in operation immediately before the appointed day;

“the 1989 Order” means the Food (Northern Ireland) Order 1989(1).

Regulations under the 1989 Order

2. Any existing regulations made, or having effect as if made, under any provision of the 1989 Order specified in the first column of Table A shall have effect, after the appointed day, as if made under the provisions of this Order specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.

TABLE A

Provision of the 1989 Order	Provision of this Order
Article 6 (composition, etc., of food)	Articles 15(1)(a), (c) and (f) and (3) and 16(1)
Article 9 (describing food)	Article 15(1)(e)
Article 15 (food hygiene)	Article 15(1)(b), (c), (d) and (f), (2) and (3)
Articles 27 and 29 (milk)	Article 15(1)(b), (c), (d) and (f), (2) and (3)
Article 36(2) (public analysts)	Article 27(2)
Article 39(5) (form of certificate)	Article 48(2)
Article 73 (Community provisions)	Article 16(2)

(1) 1989 NI 6

Status: This is the original version (as it was originally made).

Regulations with respect to milk(2)1983 NI 2

3.—(1) Any existing regulations made under Article 9 of the Milk (Northern Ireland) Order 1983(3) (milk) shall have effect, after the appointed day as if made under Articles 15(1), (2) and (3), 17(2), 18(1), 32(2) and 48(2).(4)

(2) Any existing regulations made under section 1 of the Importation of Milk Act 1983(5) shall have effect, after the appointed day, as if made under Article 15(1).

Disqualification orders

4. The repeal by this Order of Article 16 of the 1989 Order (court's power to disqualify person for carrying on a food business) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

Food hygiene byelaws

5.—(1) The repeal by this Order of Article 17 of the 1989 Order (byelaws as to food) shall not have effect as respects any byelaws made, or having effect as if made, under that Article which are in operation immediately before the appointed day.

(2) In so far as any such byelaws conflict with any regulations made, or having effect as if made, under Part II of this Order, the regulations shall prevail.

Closure orders

6. The repeal by this Order of Article 22 of the 1989 Order (closure orders) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

Saving(6)

7. The provisions of this Schedule have effect without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(7).

SCHEDULE 4

Article 51(4).

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1958 c. 31 (N.I.).	The Marketing of Milk Products Act (Northern Ireland) 1958.	Sections 7(5) and 15(1A).

(2)	1983 NI 2
(3)	1983 NI 2
(4)	1983 NI 2
(5)	1983 c. 37
(6)	1954 c. 33 (N.I.)
(7)	1954 c. 33 (N.I.)

Chapter or Number	Short Title	Extent of Repeal
1967 c. 15 (N.I.).	The Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967.	Section 15(1).
1968 c. 29.	The Trade Descriptions Act 1968.	In section 22(2) the paragraph beginning with the words “In this subsection”.
1976 NI 23.	The Poisons (Northern Ireland) Order 1976.	In Article 2(2) the definition of “public analyst”.
1983 c. 37.	The Importation of Milk Act 1983.	The whole Act.
1983 NI 2.	The Milk (Northern Ireland) Order 1983.	The whole Order.
1984 c. 30.	The Food Act 1984.	Sections 4(5), 5(5), 7(3), 13(10), 74(4), 93(4), 95(7), 97(5), 118(7), 120(5), 133(3), 135 and 136(3).
1985 c. 48.	The Food and Environment Protection Act 1985.	In section 1(2), the definition of “escape”. In section 24(1), the definition of “escape”.
1986 NI 15.	The Criminal Justice (Northern Ireland) Order 1986.	Article 11(2) and (3).
1989 NI 6.	The Food (Northern Ireland) Order 1989.	In Part I, in Article 2(2) the definitions of “cream”, “drug”, “ice-cream”, “milk”, “purveyor” and “separated”. Part II, except Article 15. In Article 15, in paragraph (2)(i) the words “and of any food” and paragraphs (4) to (8). In Part III, Articles 34(2), 38(4)(a) and (5) to (7), 40(2)(d) and (5), 41, 42, 44 and 45. In Part V, Articles 63, 64, 68 to 71, 72(5) and 73 to 76. Schedules 1 to 4.