

1993 No. 51

FOOD

**The Food Safety (Fishery Products) Regulations
(Northern Ireland) 1993**

Made 9th February 1993

Coming into operation 17th March 1993

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(3), 26(3), 47(2) and 48(2) of, and paragraphs 2, 5(1) and (2), 6(1) and 7(1) of Schedule 1 to the Food Safety (Northern Ireland) Order 1991(a), and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 and shall come into operation on 17th March 1993.

(2) In these Regulations—

“aquaculture products” means—

- (a) all fishery products born or raised in controlled conditions until placed on the market as a foodstuff, and
- (b) all seawater fish, freshwater fish or crustaceans caught in their natural environment when juvenile and kept until they reach the desired commercial size for human consumption, other than fish or crustaceans of commercial size caught in their natural environment and kept alive to be sold at a later date, if they are merely kept alive without any attempt being made to increase their size or weight;

“batch” means the quantity of fishery products obtained under practically identical circumstances;

“chilling” means the process of cooling fishery products to a temperature approaching that of melting ice;

(a) S.I. 1991/762 (N.I. 7). See Article 2(2) for the definitions of “regulations” and “the Department concerned”

- “clean seawater” means seawater or briny water which is free from any microbiological contamination, harmful substances or toxic marine plankton in such quantities as may affect the health quality of fishery products, and which is used under the conditions laid down in these Regulations;
- “the Commission” means the Commission of the European Communities;
- “consignment” means a quantity of fishery products bound for one or more customers in the country of destination and conveyed at any one time by a single means of transport;
- “the Council Directive” means Council Directive 91/493/EEC(a), of 22nd July 1991, laying down the health conditions for the production and the placing on the market of fishery products;
- “derogation” means a derogation under either the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992(b) or the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993(c);
- “drinking water” means water within the meaning of Council Directive 80/778/EEC(d) (quality of water intended for human consumption);
- “establishment” means any premises where fishery products are prepared, processed, chilled, frozen, packaged or stored including auction or wholesale markets where any such preparation or processing of fishery products takes place but not such auction or wholesale markets where only display and sale by wholesale takes place;
- “factory vessel” means any vessel on which fishery products undergo one or more of the following operations followed by packaging, namely, filleting, slicing, skinning, mincing, freezing or processing but does not include a fishing vessel in which only shrimps and molluscs are cooked on board, or a fishing vessel on board which only freezing is carried out;
- “final consumer” means a person who buys fishery products—
- (a) for his own consumption or consumption by his partner, family or other person in a solely domestic context;
 - (b) for direct transport to, and consumption on, premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him; or
 - (c) for cooking on premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him for sale as take-away food for consumption off those premises;

(a) O.J. No. L268, 24.9.91, p. 15

(b) S.R. 1992 No. 296

(c) S.R. 1993 No. 53

(d) O.J. No. L229, 30.8.80, p. 11. Directive last amended by Directive 91/377/EEC (O.J. No. L377, 31.12.91, p. 48)

- “fishery products” means all seawater or freshwater animals or parts thereof, including their roes but excluding aquatic mammals, frogs and aquatic animals covered by Community acts other than the Council Directive;
- “the Fishing Vessel Directive” means Council Directive 92/48/EEC(a) of 16th June 1992 laying down minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of the Council Directive;
- “fresh products” means any fishery products whether whole or prepared, including products packaged under vacuum or in a modified atmosphere, which have not undergone any treatment to ensure preservation other than chilling;
- “frozen products” means fishery products which have undergone a freezing process;
- “means of transport” means those parts of road or rail vehicles, aircraft or ships, including containers and trailers used in conjunction with any such transport, constructed or adapted for the transport of goods;
- “the Order” means the Food Safety (Northern Ireland) Order 1991;
- “packaging” means the procedure of protecting fishery products by a wrapper, a container or any other suitable means;
- “placing on the market” means, in relation to fishery products for human consumption, the holding for sale, exposing for sale, displaying for sale, offering for sale, selling, consigning, delivering or any other associated activity of marketing but not either a sale to a final consumer or a sale by a fisherman of a small quantity within a local market in the circumstances specified in regulation 13;
- “prepared product” means any fishery product which has undergone an operation affecting its anatomical wholeness such as gutting, heading, slicing, filleting or chopping;
- “preserving” means the process whereby fishery products are packaged in hermetically sealed containers and subjected to heat treatment to the extent that any micro-organisms that might proliferate are destroyed or inactivated, irrespective of the temperature at which the product is to be stored;
- “processed product” means any product comprising not less than 10% by weight of fishery product which has undergone a chemical or physical process, such as the heating, smoking, salting, dehydration or marinating of chilled or frozen products, whether or not associated with other foodstuffs, or a combination of these processes.
- (3) In the Schedules—
- (a) a reference to the Annex is a reference to the Annex in the Council Directive;
- (b) a reference to a numbered Chapter is a reference to the Chapter which bears that number in the Annex.

(a) O.J. No. L187, 7.7.92, p. 41

Placing fishery products on the market

2. No person shall place on the market any fishery products caught in their natural environment which do not meet the following requirements—

- (a) that they have been caught and any operations to bleed, head, gut or remove fins, chill or freeze the products have been carried out in accordance with the requirements of the Fishing Vessel Directive;
- (b) if they have been handled in a factory vessel, that the vessel, if registered in a member State of the European Economic Community, is approved pursuant to regulation 8, and is operated in accordance with the requirements of Chapter I of the Annex relating to factory vessels, as set out in the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992;
- (c) that during and after landing they have been handled in accordance with the requirements of Chapter II of the Annex relating to landing, as provided for in the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992;
- (d) that they have been handled and, where appropriate, packaged, prepared, processed, frozen, defrosted or stored hygienically in establishments approved in accordance with regulation 8 and the requirements of Chapter III of the Annex relating to general conditions for establishments on land and special conditions for handling fishery products on shore, as provided for in the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992;
- (e) that they shall have been the subject of the health control and monitoring described in Schedule 1 except where the district council has authorised the transfer of fishery products *ex quay* into containers for immediate delivery to an approved establishment or registered auction or wholesale market to be checked there, in which case a check on the conditions of landing is not required;
- (f) that they have been appropriately packaged in accordance with Schedule 2;
- (g) that they have been given an identification mark in accordance with Schedule 3;
- (h) that they have been stored and transported under satisfactory conditions of hygiene in accordance with Schedule 4.

Gutting

3. An operator having control over the timing of the gutting of a fishery product, where such gutting is possible from a technical and commercial viewpoint, shall ensure that it is carried out as soon as possible after the product has been caught or landed.

Placing aquaculture products on the market

4. Subject to regulation 22(1), no person shall place aquaculture products on the market which do not meet the following requirements—

- (a) that they were slaughtered under appropriate conditions of hygiene and, in particular—
 - (i) that they are not soiled with earth, slime or faeces, and
 - (ii) if not processed immediately after slaughter, that they are kept chilled; and
- (b) the requirements of regulation 2(c) to (g).

Placing processed bivalve molluscs and other shellfish on the market

5. Subject to regulation 22(1), no person shall place processed bivalve molluscs or other shellfish on the market unless—

- (a) prior to processing they meet the requirements of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations (Northern Ireland) 1993(a); and
- (b) at the time of placing on the market they satisfy the requirements of regulation 2(d) to (h).

Fishery products to be placed live on the market

6. A person with control over the survival conditions of a fishery product which is to be placed on the market alive, shall ensure that it is at all times kept under conditions most suitable for its survival.

Specified fishery products not to be placed on the market

7. No person shall place on the market any of the following—

- (a) poisonous fish of the species Tetraodontidae, Molidae, Diodontidae or Canthigasteridae;
- (b) fishery products containing biotoxins including ciguatera or muscle-paralysing toxins.

Approval of factory vessels, and establishments

8.—(1) Subject to regulation 22(2) and any derogation, no person shall operate any factory vessel or establishment unless it has been approved by the relevant district council and no such vessel or establishment shall be so approved unless—

- (a) the district council is satisfied that it meets the requirements of these Regulations; or
- (b) the district council is satisfied that it meets the requirements of these Regulations save in so far as there is in force in respect of it a derogation and the terms on which it was granted are complied with.

(2) An application for approval pursuant to paragraph (1) in respect of a factory vessel or an establishment shall be made by the proprietor of the food business in the course of which fishery products are handled there and shall be—

(a) in writing, and

(b) accompanied by such supplementary information, documents, plans and diagrams as are necessary to enable the district council to determine the application having regard to the matters specified in the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992.

(3) An approval may be granted only if the district council is satisfied in relation to the matters referred to in paragraph (2)(b).

(4) An approval may be granted subject to limitations as to the particular activities approved, the method of operation approved and the intensity of use approved.

(5) In every case the district council shall notify the applicant in writing of the result of the application and in the case of a refusal the reasons for that refusal.

(6) If an application is approved the district council shall—

(a) designate the establishment by a unique approval number;

(b) notify the Department of the approval and the approval number allocated; and

(c) in a case to which paragraph (1)(b) applies specify that the approval will expire on the date on which the derogation is due to expire.

(7) Where an appeal is made to a court of summary jurisdiction in accordance with Article 37(1)(c) of the Order as applied by regulation 17(3) the applicant may continue to operate the centre the subject of the appeal until such time as the appeal is finally determined.

(8) In this regulation and in regulation 12 “relevant district council” means—

(a) in relation to an establishment, the district council for the area in which it is situated;

(b) in relation to a factory vessel, the district council for the area which includes the place at which the vessel usually lands fishery products.

Supplementary provisions about approval

9.—(1) Before finally determining an application under regulation 8 a district council, if it is minded to refuse the application shall, and in any other case where it considers it reasonable to do so may, afford to the applicant an opportunity to make oral representations, on a date within 2 months of affording the opportunity, on any matters specified in writing by the district council which it considers relevant to its final determination.

(2) Before finally determining an application a district council may in writing request an applicant to provide supplementary written information to enable it properly to determine the application.

(3) A person may at any time apply to a district council to vary the terms or limitations of any approval granted to him, and the district council may vary any such terms or limitations.

Obligations on proprietors of establishments and factory vessels

10. The proprietor of a food business in the course of which an establishment, a factory vessel or a market is operated shall operate the business in accordance with such of the provisions of these Regulations, and in particular with such of the provisions specified in Schedule 5, as apply to it and shall take all reasonable steps to secure compliance with those provisions by any person employed by him or any person admitted to a place where the business is undertaken.

Registration of fishing vessels on which shrimps or molluscs are processed by cooking

11.—(1) A person operating a fishing vessel on board which shrimps or molluscs are, for the purpose of a food business, processed by cooking shall, unless such processing is to be supplemented subsequently by cooking, comply with paragraphs (2) to (4).

(2) The person operating the fishing vessel shall—

(a) prior to engaging for the first time in the business of cooking, notify in writing the district council for the area in which the fishing vessel is based of his intention to do so, and shall at the same time supply the information specified in paragraph (3); and

(b) subsequently similarly notify the district council of any changes to the information originally supplied.

(3) The information referred to in paragraph (2)(a) is—

(a) the name of the vessel;

(b) the usual place of landing of the fishery products;

(c) the name and address of the owner of the vessel.

(4) Any cooking on board of either shrimps or molluscs, or both, shall be in accordance with the requirements of point 5 of section 1 of Chapter III of the Annex to, and point 7 of section IV of Chapter IV of the Annex to, the Council Directive, as set out in the Schedule to the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992.

(5) Each district council shall maintain a register of all information supplied pursuant to paragraphs (2)(a) and (3).

Registration of wholesale and auction markets that are not establishments

12.—(1) The proprietor of a wholesale or auction market which is not an establishment for the purposes of these Regulations because fishery products are only displayed for sale or sold by wholesale there, shall apply to the relevant district council for the market to be registered by that district council.

(2) The relevant district council shall register a market in respect of which an application is made if it is satisfied that the market meets such of the requirements of the Council Directive as apply to it.

(3) If the relevant district council registers a market pursuant to an application made under paragraph (1) it shall—

(a) designate the market by an unique registration number; and

(b) notify the Department of the registration and the registration number allocated.

Sales by fishermen of small quantities of fishery products

13.—(1) A fisherman may sell for human consumption in any year, within the United Kingdom, to retailers or final consumers a small quantity of fishery products which he has caught.

(2) For the purpose of this regulation a small quantity of fishery products means a total amount not exceeding 25 tonnes, comprising any species, but within such total the amount of any of the species listed in column (a) which are dead shall not exceed the amount for that species listed in column (b)—

Column (a) <i>Species</i>	Column (b) <i>Maximum amount</i>
Oysters	5.0 tonnes
King Scallops	5.0 tonnes
Queen Scallops	10.0 tonnes
Mussels	20.0 tonnes
Marine Gastropods	20.0 tonnes
Other bivalve molluscs	10.0 tonnes

Functions of the Department and district councils

14.—(1) The Department and district councils shall perform any functions assigned to them by Schedule 1 or Schedule 5.

(2) Without prejudice to the generality of the powers of the Department to direct a district council in relation to the exercise of any function by that district council, the Department may in particular specify the frequency of the exercise of any such function.

Offences and penalties

15.—(1) If any person contravenes any provision of these regulations specified in paragraph (2) he shall be guilty of an offence against these Regulations.

(2) The provisions referred to in paragraph (1) are regulations 2 to 7, 8(1), 10, 11(1) and 12(1).

(3) Any person guilty of an offence against these Regulations shall be liable—

(a) on summary conviction, to a fine not exceeding £2,000;

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

False information

16. Any person who for any purpose connected with these Regulations furnishes information which he knows to be false shall be guilty of an offence triable summarily and be liable on conviction to a fine not exceeding £2,000.

Application of provisions of the Order

17.—(1) The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 and 14 of the Order and a reference in them to the Order shall be construed as a reference to these Regulations:

- (a) Article 4 (presumptions that food intended for human consumption);
- (b) Article 19 (offence due to fault of another person);
- (c) Article 20 (defence of due diligence);
- (d) Article 30(8) (which relates to documentary evidence);
- (e) Article 33 (powers of entry);
- (f) Article 34 (obstruction etc. of officers);
- (g) Article 35 (time limit for prosecutions).

(2) Article 26(2) of the Order (discharge of duties of district councils by the Department) shall apply as respects functions conferred on district councils by these Regulations as it does as respects a duty imposed on a district council by Article 26(1) of the Order.

(3) Article 37(1)(c) of the Order (appeals to a court of summary jurisdiction) shall apply in relation to a decision to refuse, vary or grant subject to limitations an approval applied for under regulation 8 as it does to a decision to refuse, cancel, suspend or vary a licence required by Regulations under Part II of the Order.

Enforcement and execution

18. These Regulations shall be enforced and executed by each district council within its district.

Amendment of Regulations providing for derogations

19. The Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992 shall be amended by the omission of regulations 2 and 3.

Amendment of the Food Hygiene (Docks, Carriers, etc) Regulations (Northern Ireland) 1970

20.—(1) In regulation 3 (premises and places to which the Regulations apply) of the Food Hygiene (Docks, Carriers, etc) Regulations (Northern Ireland) 1970(a) there shall be inserted at the beginning the words “Subject to regulation 3A.”.

(2) After regulation 3 of those Regulations there shall be inserted the following regulation—

“*Exception for premises and places where fishery products are handled*

3A. Regulations 5, 8 and 10 to 21 shall not apply to an establishment or factory vessel within the meaning of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1992 which is subject to the requirements of regulation 8 of those Regulations.”.

(a) S.R. & O. (N.I.) 1970 No. 144, to which there are amendments not relevant to these Regulations

Amendment of the Food Hygiene (General) Regulations (Northern Ireland) 1964

21.—(1) After regulation 3 of the Food Hygiene (General) Regulations (Northern Ireland) 1964(a) there shall be inserted the following regulation—

“Exception for premises where fishery products are handled

3A. Regulations 5, 6 and 8 to 22 shall not apply to an establishment or factory vessel within the meaning of the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993 which is subject to the requirements of regulation 8 of those Regulations, or to the handling there of any fishery products within the meaning of those Regulations.”

(2) In regulation 23(2) (temperatures at which certain foods are to be kept) of the Food Hygiene (General) Regulations (Northern Ireland) 1964 there shall be inserted after sub-paragraph (b), the following sub-paragraph—

“(bb) cooked and chilled crustacean or molluscan shellfish products;”.

Transitional provisions

22.—(1) In so far as any provision of regulation 2, 4 or 5 imposes a requirement in relation to the catching, preparation, processing, handling or any other activity carried out in respect of a fishery product prior to its being placed on the market that requirement shall be treated as applying only in relation to any such activity taking place on or after 17th March 1993.

(2) Until 1st January 1994 a person who has applied for approval in accordance with regulation 8 may continue to operate the factory vessel or establishment the subject of the application until such time as the application is finally determined by the district council, provided it was operating at any time during the year ending on 16th March 1993 and it is not prohibited from operating by reason of any other legal requirement.

Sealed with the Official Seal of the Department of Health and Social Services on 9th February 1993.

(L.S.)

J. Scott

Assistant Secretary

(a) S.R. & O. (N.I.) 1964 No. 129; relevant amending Regulations are S.R. & O. (N.I.) 1973 No. 444, S.R. 1990 No. 301, and S.R. 1991 No. 383

**Health control and monitoring of production conditions (provided for by
Chapter V of the Annex to the Council Directive)**

PART I

GENERAL MONITORING

Each district council shall establish the following arrangements in order to establish whether the requirements laid down in the Regulations are complied with and such arrangements will include, in particular—

- (a) a check on the fishing vessels, on the understanding that such a check may be carried out during the stay in port;
- (b) a check on the conditions of landing and first sale;
- (c) an inspection at regular intervals of establishments, including factory vessels registered in a member State of the European Community, to check in particular—
 - (i) whether the conditions for approval are still fulfilled;
 - (ii) whether the fishery products are handled correctly;
 - (iii) the cleanliness of the premises, facilities and instruments and staff hygiene;
 - (iv) whether identification marks are put on correctly;
- (d) an inspection of the wholesale and auction markets;
- (e) a check on storage and transport conditions.

PART II

SPECIAL CHECKS

A. *Organoleptic checks*

1. Without prejudice to the derogations provided for by Council Regulation (EEC) No. 103/76 of 19th January 1976 as amended^(a) (laying down common marketing standards for certain fresh or chilled fish), each batch of fishery products must be submitted for inspection by the district council at the time of landing or before first sale to check whether they are fit for human consumption; this inspection comprises an organoleptic check carried out by sampling.

2. Fishery products complying, as far as the freshness criteria are concerned, with the common marketing standards already laid down pursuant to Article 2 of Regulation (EEC) No. 3796/81 as amended^(b) are considered to fulfil the organoleptic requirements necessary for compliance with the provisions of these Regulations.

(a) O.J. No. L20, 28.1.76, p. 29. Regulation last amended by Regulation (EEC) No. 33/89 (O.J.) No. L5, 7.1.89, p. 18)

(b) O.J. No. L379, 31.12.81, p. 1 as last amended by Regulation (EEC) No. 2886/89 (O.J. L282, 2.10.89, p. 1)

3. The organoleptic examination must be repeated after the first sale of fishery products, if it is found that the requirements of these Regulations have not been complied with, or when considered necessary; after the first sale, fishery products must at least comply with the minimum freshness requirements of the aforementioned Regulations.

4. If the organoleptic examination reveals that the fishery products are not fit for human consumption, measures must be taken to withdraw them from the market and denature in such a way that they cannot be re-used for human consumption.

5. If the organoleptic examination reveals any doubt as to the freshness of the fishery products, use may be made of chemical checks or microbiological analyses.

B. *Parasite checks*

1. Before they are released from production for human consumption, fish and fish products must be subject to a visual inspection on behalf of the district council by way of sample for the purpose of detecting any parasites that are visible.

2. Fish or parts of fish which are obviously infested with parasites must not be placed on the market for human consumption.

C. *Chemical checks*

1. When chemical checks are to be carried out by the district council samples must be taken and subjected to laboratory analysis for the control of the following parameters—

- (a) TVB-N (Total Volatile Basic Nitrogen) and TMA-N (Trimethylamine-Nitrogen);
- (b) Histamine;

nine samples must be taken from each batch; these must fulfil the following requirements—

- the mean value must not exceed 100 parts per million (“ppm”);
- two samples may have a value of more than 100 ppm but less than 200 ppm;
- no sample may have a value exceeding 200 ppm.

2. These limits apply only to fish species of the following families: Scombridae and Clupeidae; however, fish belonging to these families which have undergone enzyme ripening treatment in brine may have higher histamine levels but not more than twice the above values; examinations must be carried out in accordance with reliable, scientifically recognized methods, such as high-performance liquid chromatography (HPLC).

3. Contaminants present in the aquatic environment.

The Department shall establish a monitoring system to check the levels of such contamination of fishery products and without prejudice to the Community rules concerning water protection and management, and in particular those concerning pollution of the aquatic environment, fishery products must not contain in their edible parts contaminants present in the aquatic environment such as heavy metals and organochlorinated substances at such a level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

PACKAGING REQUIREMENTS

(Provided for by Chapter VI of the Annex to the Council Directive)

1. Packaging must be carried out under satisfactory conditions of hygiene, to preclude contamination of the fishery products.

2. Packaging materials and products liable to enter into contact with fishery products must comply with all the rules of hygiene, and in particular:

- they must not be such as to impair the organoleptic characteristics of the fishery product;
- they must not be capable of transmitting to the fishery products substances harmful to human health;
- they must be strong enough to protect the fishery products adequately.

3. With the exception of certain containers made of impervious, smooth and corrosion-resistant material which are easy to clean and disinfect, which may be re-used after cleaning and disinfecting, packaging materials may not be reused. Packaging materials used for fresh fishery products which are held under ice must provide adequate drainage for melt water.

4. Unused packaging materials must be stored in places away from the production area and be protected from dust and contamination.

REQUIREMENTS AS TO IDENTIFICATION MARKS**(Provided for by Chapter VII of the Annex to the Council Directive)**

Without prejudice to the requirements of the Food Labelling (Amendment) Regulations (Northern Ireland) 1990(a) and the Food Labelling (Amendment) (Irradiated Food) Regulations (Northern Ireland) 1991(b) it must be possible to trace for inspection purposes the establishment of dispatch of consignments of fishery products, by means of either labelling or the accompanying documents. For that purpose, in respect of each consignment of fishery products the following information must appear on the packaging or in the accompanying documents:

- the country of dispatch;
- identification of the establishment or factory vessel of dispatch by its approval number or, in the case of separate registering of auction or wholesale markets as specified in regulation 12 the registration number of the auction or wholesale market.

(a) S.R. 1990 No. 440
(b) S.R. 1991 No. 216

STORAGE AND TRANSPORT REQUIREMENTS

(Provided for by Chapter VIII of the Annex to the Council Directive)

1. Fishery products must, during storage and transport, be kept at the temperatures laid down in these Regulations, and in particular:—

- (a) fresh or thawed fishery products and cooked and chilled crustacean and molluscan shellfish products must be kept at a temperature approaching that of melting ice;
- (b) frozen fishery products, with the exception of frozen fish in brine intended for the manufacture of canned foods, must be kept at an even temperature of -18°C or less in all parts of the product, after temperature stabilisation, and allowing for the possibility of brief upward fluctuations of not more than 3°C , during transport.

2. Where frozen fishery products are transported from a cold storage plant to an approved establishment to be thawed on arrival for the purposes of either preparation or processing and where the distance to be covered does not exceed 50 km or, if the distance is greater, the anticipated duration of the journey is less than one hour, the district council may grant a derogation from the conditions laid down in paragraph 1(b).

3. Products may not be stored or transported with other products which may contaminate them or affect their hygiene, unless they are packaged in such a way as to provide satisfactory protection.

4. Vehicles used for the transport of fishery products must be constructed and equipped in such a way that the temperatures laid down in these Regulations can be maintained throughout the period of transport. If ice is used to chill the fishery products, adequate drainage must be provided in order to ensure that water from melted ice does not stay in contact with the products. The inside surfaces of the means of transport must be finished in such a way that they do not adversely affect the fishery products. They must be smooth and easy to clean and disinfect.

5. Means of transport used for fishery products may not be used for transporting other products likely to impair or contaminate fishery products, except where the fishery products can be safeguarded against contamination by such transport being thoroughly cleaned and disinfected immediately prior to each occasion it is used for fishery products.

6. Fishery products may not be transported in a vehicle or container which is not clean or which should have been disinfected.

7. The transport conditions of fishery products to be placed on the market alive must not adversely affect the fishery products.

OBLIGATIONS OF PROPRIETOR

(Provided for by Article 6 of the Council Directive)

Each proprietor shall carry out checks based on the following principles:

- identification of points critical to ensuring safe and hygienic production in their establishment on the basis of the manufacturing processes used;
- establishment and implementation of methods for monitoring and checking such critical points;
- taking samples for analysis in a laboratory recognised by the district council for the purposes of checking compliance with the standards for particular fishery products, where these have been established by these Regulations, and in deciding whether a laboratory is recognised, district councils shall have regard to any advice issued by the Department concerning suitable performance assessment schemes;
- keeping a written record or a record registered in an indelible fashion of the preceding points which shall be made available to the district council on request; the results of the different checks will, in particular, be kept by the proprietor for a period of at least two years from the date they were recorded.

If the result of the proprietor's checks reveal a serious health risk or suggest one might exist, the district council shall be immediately notified by the proprietor and such notification confirmed in writing within 48 hours. In the event of an immediate health risk, any necessary withdrawal, reprocessing, or destruction of products may take place under the supervision and control of the district council where that council considers it necessary.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement those parts of Council Directive 91/493/EEC of 22nd July 1991 ("the Directive") laying down health conditions for the production and placing on the market of fishery products which were not implemented by the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992 ("the first Regulations").

The first Regulations provide that factory vessels and establishments and auction and wholesale markets which are concerned with processing fishery products are to be approved only if they meet the requirements of the Directive. Those requirements, relating to equipment, structure and methods of processing, are set out in Chapters I to IV of the Annex to the Directive and specified in the Schedule to the first Regulations.

These Regulations also relate to Council Directive 92/48/EEC ("the Fishing Vessel Directive") of 16th June 1992 laying down minimum hygiene rules applicable to fishery products caught on board certain vessels in

accordance with Article 3(1)(a)(i). The Fishing Vessel Directive is implemented by the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993 ("the second Regulations"). The second Regulations provide that fishing vessels are to operate according to conditions of hygiene and in some cases additional conditions of hygiene specified in the Annex to the Fishing Vessel Directive and now specified in the Schedule to the second Regulations.

These Regulations impose requirements contained in the Directive in relation to placing fishery products (see regulation 2), aquaculture products (see regulation 4) and bivalve molluscs on the market for human consumption (see regulation 5). They prohibit the placing on the market of specified fishery products which are harmful (see regulation 7), impose requirements concerning gutting (see regulation 3) and the care of fishery products which are to be placed on the market alive (see regulation 6).

These Regulations also provide for the approval of factory vessels and establishments if they meet the requirements of the Directive (see regulation 8) and provide for supplementary matters concerned with applications for, and the determination of, approvals (see regulation 9).

Additionally, the Regulations impose requirements on the proprietors of factory vessels and establishments (see regulation 10) and provide for the registration of certain fishing vessels on which shrimps and molluscs are processed by cooking (see regulation 11). The Regulations exclude from the requirements certain sales of small quantities of fishery products by fishermen and sales to the final consumer (see regulations 1 and 13).

The Regulations specify that district councils are to enforce the regulations (see regulation 18) and also impose requirements on district councils to monitor the requirements in the Directive. The Regulations also provide for offences, penalties and the application of specified provisions in the Food Safety (Northern Ireland) Order 1991 (see regulations 15 to 17).

The first Regulations are amended (see regulation 19), the Food Hygiene (Docks, Carriers, etc) Regulations (Northern Ireland) 1970 are amended (see regulation 20), the Food Hygiene (General) Regulations (Northern Ireland) 1964 are amended (see regulation 21), and a transitional provision is included in respect of catching fishery products and the processing of fishery products prior to the date these Regulations come into force (see regulation 22).