
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 207

**Food Safety (Fishery Products and Live Shellfish)
(Hygiene) Regulations (Northern Ireland) 1998**

Part III

Production and Placing on the Market of Fishery Products

Revocation of approvals for factory vessels or establishments and cancellation of market registrations

32.—(1) A district council may revoke an approval of an establishment or a factory vessel which it granted under regulation 24 if, after inspection of or any inquiry into the method of operation of the establishment or vessel, it is satisfied that—

- (a) there has been a serious (on animal or public health grounds) and manifest breach of the conditions or limitations subject to which the approval was granted or of the applicable provisions of Chapters I to IV of Schedule 3;
- (b) the food business proprietor who is operating the establishment or vessel is either unable or not prepared to ensure that the breach is remedied; and
- (c) there is in force in relation to that establishment or vessel—
 - (i) a prohibition order under Article 10 of the Order, or
 - (ii) an emergency prohibition order under Article 11 of the Order,

and as a consequence of the order, commercial operations with regard to fishery products which are for placing on the market for human consumption may not be carried out at that establishment or on board that vessel.

(2) A district council may cancel the registration of an auction or wholesale market granted under regulation 26 if, after inspection of or any inquiry into the method of operation of the market, it is satisfied that—

- (a) there has been a serious (on animal or public health grounds) and manifest breach of the applicable provisions of Chapter II or III of Schedule 3;
- (b) the food business proprietor who is operating the market is either unable or not prepared to ensure that the breach is remedied; and
- (c) there is in force in relation to that market—
 - (i) a prohibition order under Article 10 of the Order, or
 - (ii) an emergency prohibition order under Article 11 of the Order,

and as a consequence of the order, commercial operations with regard to fishery products which are for placing on the market for human consumption may not be carried out at that market.

(3) A food business proprietor who is aggrieved by a decision to revoke an approval for a factory vessel or fishery products establishment or cancel the registration of an auction or wholesale market

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may appeal to a court of summary jurisdiction and Article 37(2) to (3) of the Order shall apply in relation to such an appeal as it applies in relation to an appeal under Article 37(1)(c) of the Order.

(4) A revocation or cancellation under this regulation shall take effect—

(a) after the time for appealing against it has elapsed; or

(b) if an appeal is brought, after the appeal is finally disposed of, struck out for want of prosecution or withdrawn,

and when a district council informs a food business proprietor who is operating a factory vessel or fishery products establishment of its decision to revoke the approval for the vessel or establishment or informs a food business proprietor operating an auction or wholesale market of its decision to cancel the registration of that market, it shall explain to the proprietor in writing when the revocation or cancellation will take effect (including when it will take effect if an appeal is brought).