

2004 No. 99

FOOD

**Food Safety (Ships and Aircraft) Order
(Northern Ireland) 2004**

Made - - - - - *9th March 2004*

Coming into operation *20th April 2004*

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 2(2) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation in accordance with Article 47(3) and (3B) of the said Order and as required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety^(c), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Food Safety (Ships and Aircraft) Order (Northern Ireland) 2004 and shall come into operation on 20th April 2004.

Interpretation

2. In this Order –

“the 1991 Order” means the Food Safety (Northern Ireland) Order 1991;

“exempt ship or aircraft” means any sovereign immune ship or aircraft or any ship of a State other than the United Kingdom which is exercising the right of innocent passage through that part of the United Kingdom territorial sea adjacent to Northern Ireland;

“home-going ship” means a ship which is engaged exclusively in –

(a) plying in internal waters, or

(b) excursions which last not more than one day, start and end in Northern Ireland and do not involve calling at any place outside Northern Ireland;

“innocent passage” has the same meaning as it has for the purposes of Part II Section 3A of the United Nations Convention on the Law of the Sea;

“internal waters” has the same meaning as it has for the purposes of Article 8(1) of the United Nations Convention on the Law of the Sea;

“the principal hygiene and temperature control provisions” means –

(a) Formerly the Department of Health and Social Services; see S.I.1999/283 (N.I. 1), Article 3

(b) S.I. 1991/762 (N.I.7) as amended by S.I.1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28

(c) O.J. No. L31, 1.2.2002, p. 1

- (a) the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995(a), except regulation 4A of and Schedule 1A to those Regulations (licensing of butchers' shops);
- (b) the Food Safety (Temperature Control) Regulations (Northern Ireland) 1995(b), except regulations 4 to 9 and 12 of those Regulations;

“sovereign immune ship or aircraft” means a ship or aircraft belonging to a State other than the United Kingdom and which is not in use for commercial purposes;

“territorial sea” has the same meaning as it has for the purposes of the Territorial Sea Act 1987(c).

Ships and aircraft as premises for specified purposes

3. “Premises” shall include any ship or aircraft of a description specified in the Schedule for any purpose of the 1991 Order or Regulations or orders made under it as is specified in that Schedule in relation to that ship or aircraft.

Revocation

4. The Food Safety (1991 Order) (Specified Ships and Aircraft) Order (Northern Ireland) 1991(d) is hereby revoked.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 9th March 2004.

(L.S.)

Deirdre Kenny

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.R. 1995 No. 360, as amended by S.R. 1996 No. 286, S.R.1997 Nos. 493, 494, 495, 496 and 499, S.R. 1998 No. 207, S.R. 1999 Nos. 284 and 301, S.R. 2000 No. 78 and S.R. 2001 No. 85

(b) S.R. 1995 No. 377 as amended by S.R. 1996 No. 383, S.R. 1997 Nos. 493, 494 and 495, S.R. 1998 Nos. 207 and 253 and S.R. 2000 No. 78

(c) 1987 c. 49

(d) S.R. 1991 No. 481

SCHEDULE

Article 3

SHIPS AND AIRCRAFT THAT ARE PREMISES FOR SPECIFIED PURPOSES

1. Any home-going ship for the purpose of applying the 1991 Order and any Regulations or orders made under it.
2. Any other ship or any aircraft, which is not an exempt ship or aircraft –
 - (a) for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of Regulations made under Part II of the 1991 Order;
 - (b) for the purpose of applying the principal hygiene and temperature control provisions; and
 - (c) for the purpose of applying Articles 10 and 11 of the 1991 Order,

and references to “premises” in Articles 3, 4, 29 and 33 of the 1991 Order shall include any ship or aircraft of a description specified in this paragraph in relation to any purposes specified in this paragraph.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

This Order specifies ships and aircraft and purposes for which they are “premises” in and under the Food Safety (Northern Ireland) Order 1991 (“the 1991 Order”).

The Order –

- (a) replaces provisions formerly included in the Food Safety (1991 Order) (Specified Ships and Aircraft) Order (Northern Ireland) 1991 for home-going ships and for import cargo inspections of ships and aircraft (*Article 3 and paragraphs 1 and 2(a) of the Schedule*);
- (b) in further implementation of Council Directive 93/43/EEC on the hygiene of foodstuffs(**a**) and Council Directive 89/397/EEC on the official control of foodstuffs(**b**), specifies certain ships and aircraft for the purpose of applying provisions of the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995 and the Food Safety (Temperature Control) Regulations (Northern Ireland) 1995 and for certain related Articles of the 1991 Order (*Article 3 and paragraph 2(b) and (c) of the Schedule*);
- (c) provides that references to “premises” in Articles 3, 4, 29 and 33 of the Food Safety (Northern Ireland) 1991 shall include those other ships and aircraft for the purposes specified in paragraph 2(a), (b) and (c) of the Schedule (*Article 3 and paragraph 2 of the Schedule*).

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- (a) O.J. No. L175, 19.7.93, p. 1, as amended by Directive 96/3 (O.J. No. L21, 27.1.96, p. 42) and Directive 98/28 (O.J. No. L140, 12.5.98, p. 10)
 - (b) O.J. No. L186, 30.6.89, p. 23, as completed by Council Directive 93/99/EEC on the subject of additional measures concerning the official control of foodstuffs (O.J. No. L290, 24.11.1993, p. 14)

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