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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 356**

**The Food Hygiene Regulations (Northern Ireland) 2005**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as The Food Hygiene Regulations (Northern Ireland) 2005 and shall come into operation on 1st January 2006.

**Interpretation**

2.—(1) In these Regulations—

“the Agency” means the Food Standards Agency;

“authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under the Hygiene Regulations;

“the Community Regulations” means Regulation 852/2004, Regulation 853/2004 and Regulation 854/2004;

“the Department” means the Department of Health, Social Services and Public Safety;

“enforcement authority” means the authority which, by virtue of regulation 5, is responsible for enforcing and executing the Hygiene Regulations;

“the Hygiene Regulations” means these Regulations and the Community Regulations;

“the Order” means the Food Safety (Northern Ireland) Order 1991(1);

“premises” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004” and “Regulation 854/2004” have the meanings respectively given to them in Schedule 1; and

“specified Community provision” means any provision of the Community Regulations that is specified in column 1 of Schedule 2 and whose subject-matter is described in column 2 of that Schedule.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Order has the meaning it bears in the Order.

(3) Any expression used both in these Regulations and in Regulation 178/2002 or the Community Regulations has the meaning it bears in Regulation 178/2002 or the Community Regulations.

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(1) 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, paragraph 2 of Article 2 (regarding the definition of “food”) was substituted by S.R. 2004 No. 482

(4) Where, apart from this paragraph, any period of less than seven days which is specified in these Regulations would include any day which is—

- (a) a Saturday, a Sunday, Christmas Day or Good Friday; or
- (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2),

that shall be excluded from the period.

(5) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Presumptions that food is intended for human consumption**

3.—(1) The following paragraphs shall apply for the purposes of these Regulations.

(2) Any food commonly used for human consumption shall, if placed on the market or offered, exposed or kept for placing on the market, be presumed, until the contrary is proved, to have been placed on the market or, as the case may be, to have been or to be intended for placing on the market for human consumption.

(3) The following, namely—

- (a) any food commonly used for human consumption which is found on premises used for the preparation, storage, or placing on the market of that food; and
- (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or placing on the market of that food,

shall be presumed, until the contrary is proved, to be intended for placing on the market, or for manufacturing food for placing on the market, for human consumption.

(4) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

### **Competent authority**

4. The competent authority for the purposes of the Community Regulations shall be the Agency except where it has delegated competences as provided for in those Regulations.

### **Enforcement**

5.—(1) In respect of any food business operator to whose operations Regulation 852/2004 applies but Regulation 853/2004 does not apply—

- (a) the Agency shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out primary production and those associated operations listed in paragraph 1 of Part AI of Annex I to Regulation 852/2004 other than the associated operations described in sub-paragraphs (a) and (c) of that paragraph in so far as they concern wild game; and
- (b) the district council in whose district the food business operator carries out his operations shall enforce and execute these Regulations in so far as the operator concerned is carrying out operations which are not enforced and executed by the Agency pursuant to sub-paragraph (a).

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(2) 1971 c. 80  
(3) 1954 c. 33 (N.I.)

(2) In respect of any food business operator to whose operations both Regulation 852/2004 and Regulation 853/2004 apply—

(a) the Agency shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to the following establishments and activities—

(i) slaughterhouses,

(ii) game handling establishments,

(iii) cutting plants placing fresh meat on the market, and

(iv) the activities in respect of eggs as set out in Chapter I of Section X of Annex III to Regulation 853/2004; and

(b) the Agency or the district council in whose district the food business operator carries out his operations shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to any establishment or activity that is not specified in sub-paragraph (a) and is regulated by Regulation 853/2004.

(3) In respect of—

(a) collection centres and tanneries supplying raw material for the production of gelatine intended for human consumption pursuant to paragraph 5 of Chapter I of Section XIV of Annex III to Regulation 853/2004; and

(b) collection centres and tanneries supplying raw material for the production of collagen intended for human consumption pursuant to paragraph 5 of Chapter I of Section XV of Annex III to Regulation 853/2004,

the Agency shall enforce and execute the Hygiene Regulations.

(4) Each district council shall enforce and execute these Regulations in its district in relation to the matters regulated by Schedules 3 to 5.

(5) The Agency shall enforce and execute these Regulations in relation to the matters regulated by Schedule 6.