

2012 No. 130

FOOD

The Food Hygiene (Amendment) Regulations (Northern Ireland) 2012

Made - - - - *16th March 2012*

Coming into operation - *10th April 2012*

The Department of Health, Social Services and Public Safety(**a**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(**b**).

The Department of Health, Social Services and Public Safety has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(**c**).

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(**d**) there has been open and transparent public consultation during the preparation of the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Hygiene (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 10th April 2012.

(2) The Interpretation Act (Northern Ireland) 1954(**e**) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to the Food Hygiene Regulations (Northern Ireland) 2006

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006(**f**) are amended in accordance with the following paragraphs.

(2) In regulation 9(1) (remedial action notices and detention notices) omit the words “subject to approval under Article 4(2) of Regulation 853/2004”.

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

(b) 1972 c.68

(c) S.I. 2003/2901

(d) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny- Part Four (OJ No. L188, 18.7.2009, p.14)

(e) 1954 c.33 (N.I.)

(f) S.R. 2006 No. 3, as amended by S.R. 2007 No. 16 and S.R. 2010 No. 83

(3) After regulation 21(3) (appeals against hygiene improvement notices and remedial action notices), insert —

“(4) Where on appeal against a remedial action notice under paragraph (1) a court cancels the notice, the enforcement authority shall compensate the food business operator who brought the appeal in respect of any loss suffered by reason of the food business operator’s compliance with the notice, and any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by arbitration.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th March 2012.



Andrew McCormick

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3, as amended) so as to —

- (a) permit the service of a remedial action notice in relation to an establishment not subject to approval under European food hygiene legislation (regulation 2(2)); and
- (b) provide for compensation to be payable where a food business operator suffers loss by complying with a remedial action notice which, on appeal to the court, is subsequently cancelled (regulation 2(3)).

2. A full regulatory impact assessment of the effect that this Statutory Rule will have on the costs of business and the voluntary sector is available from the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the Statutory Rule on the legislation.gov.uk website.

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STATUTORY RULES OF NORTHERN IRELAND

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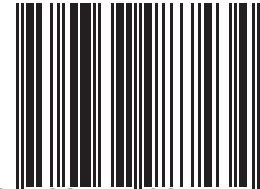
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Ireland) 2012

£4.00

N5321 03/2012 425321T 19585

ISBN 978-0-337-98743-4



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