

SCHEDULE 2 **N.I.**

Regulation 5

Application and modification of provisions of the Order

PART 1 **N.I.**

Modification of Articles 9(1), 33(1), 37 and 38

1. For Article 9(1) of the Order (improvement notices) substitute—
 - “(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with a provision specified in paragraph 1A, the authorised officer may, by a notice served on that person (in this Order referred to as an “improvement notice”)—
 - (a) state the officer's grounds for believing that the person is failing to comply with the relevant provision;
 - (b) specify the matters which constitute the person's failure to so comply;
 - (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
 - (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.
 - (1A) Article 4(1) as read with Article 1(1) of Regulation (EU) No 609/2013 of the European Parliament and of the Council, on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive [92/52/EEC](#), Commission Directives [96/8/EC](#), [1999/21/EC](#), [2006/125/EC](#) and [2006/141/EC](#), Directive [2009/39/EC](#) of the European Parliament and of the Council and Commission Regulations [\(EC\) No 41/2009](#) and [\(EC\) No 953/2009](#) or a provision of that Regulation specified in Schedule 1 to the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
2. In Article 33(1) (powers of entry) for subparagraphs (a) to (c) substitute—
 - “(a) to enter any premises within the council's district for the purpose of ascertaining whether there is or has been on the premises any contravention of a provision of Regulation (EU) No 609/2013 of the European Parliament and the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive [92/52/EEC](#), Commission Directives [96/8/EC](#), [1999/21/EC](#), [2006/125/EC](#) and [2006/141/EC](#), Directive [2009/39/EC](#) of the European Parliament and of the Council and Commission Regulations [\(EC\) No 41/2009](#) and [\(EC\) No 953/2009](#) specified in Schedule 1 to the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016; and
 - (b) to enter any business premises, whether within or outside of the council's district, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that district of any of those provisions.”
3. For Article 37(1) (appeals) substitute—
 - “(1) Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 5(1) of, and Part 1 of Schedule 2 to, the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, may appeal to a court of summary jurisdiction”.

Changes to legislation: There are currently no known outstanding effects for the The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, SCHEDULE 2. (See end of Document for details)

4. In Article 37(2A)(b) for “(1)(a)” substitute “ (1) as applied and modified by regulation 5(1) of and Part 1 of Schedule 2 to, the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, ”.

5. In both Article 38(1) and (2) (appeals against improvement notices), after “improvement notice” insert “ under Article 9(1) as applied and modified by regulation 5(1) of, and Part 1 of Schedule 2, to the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.

PART 2 N.I.

Application and modification of other provisions of the Order

<i>Provision of the Order</i>	<i>Modifications</i>
Article 2(4) (extended meaning of “sale” etc.)	For “this Order” substitute “ the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 3 (application to food offered as prizes etc.)	For “This Order” substitute “ The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 4 (presumptions that food intended for human consumption)	For “this Order” substitute “ the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 19 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “ Article 9(2) as applied by regulation 5(1) of the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 or regulation 4 of those regulations ”.
Article 20 (defence of due diligence)	In paragraph (1), for “any of the preceding provisions of this Part” substitute “ Article 9(2) as applied by regulation 5(1) of the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 or regulation 4 of those regulations, ”. In paragraph (2) for “Article 13 and 14” substitute “ regulation 4 of the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 21(defence of publication in the course of business)	For “any of the preceding provisions of this part” substitute “ Article 9(2) as applied by regulation 5(1) of the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 or regulation 4 of those regulations ”.
Article 29 (procurement of samples)	In paragraph (b)(ii), after “under Article 33”, insert “ as applied by regulation 5(2) and Part 1 of Schedule 2 to the Food Safety (Information

	and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “ the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 34 (obstruction etc. of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “ the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 ”.
Article 36(1) and (2) (punishment of offences)	<p>In paragraph (1), after “Article 34(1)”, insert “ , as applied and modified by regulation 5(4) and Part 2 of Schedule 2 to the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, ”.</p> <p>After paragraph (1), insert—</p> <p>“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 5(1) of the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.</p> <p>In paragraph (2)—</p> <p>(a) for “any other offence under this Order”, substitute “ an offence under Article 34(2), as applied by regulation 5(4) and Part 2 of Schedule 2 to the Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, ”; and</p> <p>(b) in subparagraph (b), for “the relevant amount”, substitute “ the statutory maximum ”.</p>

Changes to legislation:

There are currently no known outstanding effects for the The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016, SCHEDULE 2.