

## SCHEDULE 5

Regulation 8

### Application and modification of provisions of the Order

#### Part 1

##### Modification of Article 9(1)

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 regulation 4, 5 or 6 of the Caseins and Caseinates Regulations (Northern Ireland) 2016, 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 so to 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 (not being less than 14 days) as may be specified in the notice.”.

#### Part 2

### Application and modification of other provisions of the Order

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<i>Column 1 Provision of the Order</i>	<i>Column 2 Modifications</i>
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Article 2 (4) (extended meaning of “sale” etc.)	For “this Order” substitute “ the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”
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Article 3 (application to food offered as prizes, etc.)	For “this Order” substitute “ the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”.
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Article 4 (presumptions that food intended for human consumption)	For “this Order” substitute “ the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”.
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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 8(1) and Schedule 5 of the Casein and Caseinates Regulations (Northern Ireland) 2016 ”
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Article 20(1) and (5) (defence of due diligence)	In paragraph (1) for “any of the preceding provisions of this Part” substitute “ Article 9(2), as applied by regulation 8(1) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”.
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Article 30(8) (which relates to documentary evidence)	After “this Order,” insert “ as applied and modified by regulation 8(2) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”
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**Changes to legislation:** There are currently no known outstanding effects for the The Caseins and Caseinates Regulations (Northern Ireland) 2016, SCHEDULE 5. (See end of Document for details)

Article 34 (obstruction of officers)	In each place occurring in paragraph (1), for “this Order” substitute “the Caseins and Caseinates 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 8(2) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016.”.</p> <p>After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 8(1) of the Caseins and Caseinates 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> <ul style="list-style-type: none"><li>(a) for “any other offence under this Order”, substitute “ an offence under Article 34(2), as applied by regulation 8(2) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016 ”; and</li><li>(b) in subparagraph (b), for “the relevant amount”, substitute “ the statutory maximum ”.</li></ul>
Article 37 (appeals)	<p>For paragraph (1) 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 8(1) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016 may appeal to a court of summary jurisdiction.”.</p>
Article 38 (appeals against improvement notices)	In both paragraphs (1) and (2) insert “ as applied and modified by regulation 8(1) and Schedule 5 of the Caseins and Caseinates Regulations (Northern Ireland) 2016 ” after “improvement notice”.

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**Changes to legislation:**

There are currently no known outstanding effects for the The Caseins and Caseinates Regulations (Northern Ireland) 2016, SCHEDULE 5.