

SCHEDULE

Regulation 14

Application of provisions of the Food Safety (Northern Ireland) Order 1991

“SCHEDULE 2

Regulation 26

Application of provisions of the Order

PART 1

Modification of Article 9(1)

1. For Article 9(1) (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 sub-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 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.

(1A) The provisions are—

- (a) regulations 10(4), 10(6) or 12(6) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012;
- (b) Article 16 of Regulation 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC;
- (c) Article 5 of [Commission Regulation \(EC\) No. 1895/2005](#) on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food;
- (d) Article 12 and 13 of [Commission Regulation \(EC\) No. 450/2009](#) on active and intelligent materials and articles intended to come into contact with food; and
- (e) the second sentence of Article 8, Article 15 as read with Annex IV and Article 16 of [Commission Regulation \(EU\) No. 10/2011](#) on plastic materials and articles intended to come into contact with food.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2

Application and modification of other provisions of the Order

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Order</i>	<i>Modification</i>
Article 2 (4) (extended meaning of “sale” etc.)	For “this Order” substitute “the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”.
Article 4 (presumptions that food intended for human consumption)	Any reference to the Order must be construed as including a reference to the these Regulations, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009, Regulation 10/2011 and the references to “sold” and “sale” are deemed to include references to “placed on the market” and “placing on the market”.
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 26(1) and Part 1 to Schedule 2 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”.
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 26(1) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”.
Article 30(8) (which relates to documentary evidence)	Any reference to the Order or part thereof, must be construed as including a reference to these Regulations.
Article 33 (powers of entry)	In Article 33(1) for the purpose of these Regulations the references to the Order or Part thereof must be construed as including a reference to Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 or Regulation 10/2011.
Article 34 (obstruction etc. of officers)	In each place occurring in paragraph (1), for “this Order” insert “Article 9(1) of this Order as applied by regulation 26(1) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert- “, as applied and modified by regulation 26(1) and Part 2 to Schedule 2 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”.

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Order</i>	<i>Modification</i>
	After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 26(1) of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2016 shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.
	In paragraph (2)— (a) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 26(1) and Part 2 to Schedule 2 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012”; and (b) in subparagraph (b), for “the relevant amount”, substitute “the statutory maximum”.
Article 37 (appeals)	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 26 and Schedule 2 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 may appeal to a court of summary jurisdiction.”
Article 38 (appeals against improvement notices)	In both paragraphs (1) and (2) insert “as applied and modified by regulation 26 and Schedule 2 of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012” after “improvement notice”.