

SCHEDULE 3

Regulation 6

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 any of regulations 3, 4 or 5 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, 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 as may be specified in the notice.”

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>Modifications</i>
Article 3 (application to food offered as prizes etc.)	For “this Order” substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”
Article 4 (presumptions that food intended for human consumption)	In paragraph (1), for “this Order” substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”.
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 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”.
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 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”.
Article 29 (procurement of samples)	After the words “authorised officer”, insert, when carrying out duties under this Article in relation to the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, must exercise and perform those duties in accordance with the methods described in the Annex to First Commission Directive 87/524/EEC laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products and”.

Status: This is the original version (as it was originally made).

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Order</i>	<i>Modifications</i>
Article 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”.
Article 34 (obstruction etc of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”.
Article 36(1) and (2) (punishment of offences)	<p>In paragraph (1), after “Article 34(1)”, insert, “as applied and modified by regulation 6 of, and Schedule 3 to, the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”.</p> <p>After paragraph (1), insert—</p> <p>“(1A) A person guilty of an offence under Article 9(2), as applied by regulation 6 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, 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 6 of, and Schedule 3 to, the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”; and</p> <p>(b) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum”.</p>
Article 37 (Appeals)	<p>For paragraph (1) substitute “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 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 may appeal to a court of summary jurisdiction.”.</p> <p>For paragraph (2A) substitute “The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be, in the case of an appeal under paragraph (1), that period or the period specified in the improvement notice, whichever ends the earlier.”.</p>
Article 38 (Appeals against improvement notices)	In paragraphs (1) and (2), after “improvement notice” insert “as applied by regulation 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018.”.