STATUTORY INSTRUMENTS

1989 No. 846 (N.I. 6)

NORTHERN IRELAND

The Food (Northern Ireland) Order 1989

Made - - - - 16th May 1989 Coming into Operation 17th August 1989

THE FOOD (NORTHERN IRELAND) ORDER 1989

PART I

INTRODUCTORY

- 1. Title and commencement
- 2. Interpretation

PART II

GENERAL PROVISIONS AS TO FOOD

Composition and labelling of food

- 3. Offences as to preparation and sale of injurious foods
- 4. General protection for purchasers of food
- 5. Defences available in proceedings under Article 4
- 6. Regulations as to composition of food, etc.
- 7. Power of Department to obtain particulars of ingredients
- 8. Labels and advertisements describing food incorrectly
- 9. Regulations as to labelling and description of food

Food unfit for human consumption

- 10. Prohibition on sale, etc., of food unfit for human consumption
- 11. Examination and seizure of suspected food
- 12. Food offered as prizes, etc.
- 13. Power to examine food in course of transit
- 14. Products of knackeries

Hygiene

- 15. Regulations as to food hygiene
- 16. Power of court to disqualify person for carrying on a food business

17. Byelaws as to handling and sale of food

Registration and licensing

- 18. Registration of manufacturers of, and traders in, ice-cream
- 19. Extension to other food businesses of provisions relating to registration, etc.
- 20. Licensing of vehicles, etc.

Control of food premises

- 21. Interpretation (Articles 22 to 26)
- 22. Closure of premises
- 23. Emergency order for closure of premises
- 24. Compensation
- 25. Appeals
- 26. Saving for certain licensed uses of premises

Special provisions as to certain foods

- 27. Regulations as to milk
- 28. Prohibition of sale of milk from diseased cows
- 29. Certain additions not to be made to milk and certain liquids not to be sold as milk
- 30. Cream substitutes
- 31. Sign to be displayed on premises, etc., where horseflesh is sold for human consumption

Cold stores

32. Power to provide cold stores

Food poisoning

33. Provisions as to suspected food

PART III

ADMINISTRATION AND ENFORCEMENT

Administration

- 34. Authorities responsible for enforcement
- 35. Meaning of "authorised officer"

Sampling and analysis

- 36. Public analysts
- 37. Facilities for examination of food and drugs
- 38. Powers of sampling
- 39. Right to have samples analysed
- 40. Disposal of samples taken for analysis
- 41. Special provisions as to sampling of milk otherwise than by sampling officers
- 42. Special provisions as to sampling of milk by sampling officers
- 43. Power of Department to have foods analysed and examined
- 44. Provision for cases in which division into parts is impracticable
- 45. Examination by district councils of food not for sale

46. Quarterly reports of analysts

Entry, obstruction, etc.

- 47. Power to enter premises
- 48. Power to enter vehicles, etc.
- 49. Powers of entry of Departments' officers
- 50. Persons obstructing execution of Order

PART IV

PROCEDURE AND EVIDENCE

Legal proceedings and evidence

- 51. Offences
- 52. Prosecutions
- 53. Institution of proceedings by the Department
- 54. Evidence of analysis
- 55. Presumptions
- 56. Power of court to require analysis by Government Chemist
- 57. Contravention due to default of some other person
- 58. Conditions under which warranty may be pleaded as defence
- 59. Offences in relation to warranties and certificates of analysis

Compensation

60. Disputes as to compensation under Part II

Appeals against decisions of district councils

61. Right to carry on business pending appeal

Continuation of licences

62. Temporary continuance of licence on death

PART V

MISCELLANEOUS AND GENERAL

Application of this Order

- 63. Application to Crown
- 64. Application of Order for purposes of importation orders and regulations

Provisions relating to district councils

- 65. Notices, etc., to be in writing; forms of notices, etc.
- 66. Proof of resolutions, etc.
- 67. Protection for officers acting in good faith
- 68. Default of district councils

Miscellaneous

- 69. Powers under Order to be cumulative
- 70. Judges and justices of the peace not to be disqualified by liability to rates
- 71. Power of Department to hold inquiries and investigations
- 72. Orders and regulations (general)

- 73. Regulations for purposes of Community provisions
- 74. Expenses of sampling officers
- 75. Repeal or amendment of local enactments
- 76. Amendments, repeals, revocations and savings Signature

SCHEDULES

SCHEDULE 1 — DISEASES OF COWS TO WHICH ARTICLE 28 APPLIES

SCHEDULE 2 — ENFORCEMENT AND EXECUTION OF ORDERS AND REGULATIONS MADE UNDER THE FOOD ACT 1984

- 1. (1) In this Schedule—"the Act of 1984" means the...
- 2. It shall be the duty of the Minister to enforce...
- 3. For the purpose of ascertaining whether there is or has...
- 4. (1) Without prejudice to the application of subsections (2) and...
- 5. (1) The Minister may, where he is of opinion that...
- 6. (1) A person against whom proceedings are brought in respect...
- 7. The provisions of this Order which are specified in the...

SCHEDULE 3 — CONSEQUENTIAL AMENDMENTS

The Towns Improvement Clauses Act 1847 (c. 34)

1. In section 128, in the paragraph added by Part I...

The Interpretation Act (Northern Ireland) 1954 (c. 33)

2. In section 43(2), in the definition of "public analyst", for...

The Marketing of Milk Products Act (Northern Ireland) 1958 (c. 31)

- 3. In section 7— (a) in subsection (3) for "and Drugs...
- 4. In section 15(1A), for "section 22(2A) of the Food and...

The Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (c. 13)

- 5. In section 19, for "and Drugs Act (Northern Ireland) 1958"...
- 6. In section 20(2), for "and Drugs Act (Northern Ireland) 1958"...

The Horticulture Act (Northern Ireland) 1966 (c. 15)

- 7. In section 33(3), for "and Drugs Act (Northern Ireland) 1958"...
- 8. In section 36(b), for "and Drugs Act (Northern Ireland) 1958"...

The Trade Descriptions Act 1968 (c. 29)

- 9. In section 2(5), for "and Drugs Act (Northern Ireland) 1958"...
- 10. In section 22(2)—(a) for "and Drugs Act (Northern Ireland)...

The Medicines Act 1968 (c. 67)

11. In Schedule 3, in paragraph 1(2), for "section 31 of...

The Weights and Measures &c. Act 1976 (c. 77)

- 12. In section 12—(a) in subsection (1), for paragraph (c)...
- 13. In Schedule 6, for paragraph 4 substitute the following paragraph—...

The Poisons (Northern Ireland) Order 1976 (NI 23)

14. In Article 2(2), in the definition of "public analyst", for...

The Hydrocarbon Oil Duties Act 1979 (c. 5)

15. In Schedule 5, in paragraph 5(d), for "section 31 of...

The Weights and Measures (Northern Ireland) Order 1981 (NI 10)

16. In Article 2(2), in the definition of "drugs" and "food",...

The Milk (Northern Ireland) Order 1983 (NI 2)

- 17. In Article 5(3)(b), for "and Drugs Act (Northern Ireland) 1958"...
- 18. In Article 9(2), for "section 22(2A) of the Food and...
- 19. In Article 10, for paragraph (3) substitute the following paragraph—...

The Food and Environment Protection Act 1985 (c. 48)

20. In section 24(1), in the definition of "food", for "section...

The Criminal Justice (Northern Ireland) Order 1986 (NI 15)

21. In Article 11(2), for "that Act of 1958" substitute "the...

The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986 (NI 20)

22. In Article 2(2), in the definition of "the food legislation",...

The Consumer Protection Act 1987 (c. 43)

23. In section 19(1), in the definition of "food", for "and...

SCHEDULE 4 — REPEALS AND REVOCATIONS

This Table has no — DRAFT FOOD (NORTHERN IRELAND) ORDER 1989TABLE official status OF DERIVATIONS

Explanatory Note