

SCHEDULES

SCHEDULE 3

Article 76(1).

CONSEQUENTIAL AMENDMENTS

The Towns Improvement Clauses Act 1847 (c. 34)

1. In section 128, in the paragraph added by Part I of the Second Schedule to the Slaughter-houses Act (Northern Ireland) 1953, for “except in so far as they relate to the licensing and registering of knackers' yards” there shall continue to be substituted “so far as they relate to the prevention of cruelty in knackers' yards”, notwithstanding the repeal of section 71(1) of the Food and Drugs Act (Northern Ireland) 1958.

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

2. In section 43(2), in the definition of “public analyst”, for “Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939” substitute “Food (Northern Ireland) Order 1989”.

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

3. In section 7—

(a) in subsection (3) for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”;

(b) for subsection (5) substitute the following subsection—

“(5) Article 58 of the Food (Northern Ireland) Order 1989 (pleading of warranty as defence) shall have effect in relation to a prosecution for an offence committed by reason of a contravention of sub-section (2), and Article 59 of that Order (offences in relation to warranties) shall have effect in relation to any warranty which, by virtue of this subsection, is or might be pleaded as a defence in any prosecution under sub-sections (2) and (4), as they have effect in relation to prosecutions or warranties under that Order, as if—

(a) subject to paragraph (b), any reference in those Articles to that Order were a reference to sub-sections (2) and (4);

(b) the references in Article 59(1) and (2) to an offence under that Order were references to an offence against this Act;

(c) in Article 58(1), for “, exposing or advertising” there were substituted “or exposing” and after “for the purpose of sale” there were inserted “or delivery”;

(d) paragraph (2)(c) of Article 58 were omitted.”.

4. In section 15(1A), for “section 22(2A) of the Food and Drugs Act (Northern Ireland) 1958” substitute “Article 29(3) of the Food (Northern Ireland) Order 1989”.

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” substitute “(Northern Ireland) Order 1989”.

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6. In section 20(2), for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

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

7. In section 33(3), for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

8. In section 36(b), for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

The Trade Descriptions Act 1968 (c. 29)

9. In section 2(5), for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

10. In section 22(2)—

- (a) for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”;
- (b) in paragraph (c), for “Act of 1958, sections 35 and 38” substitute “Order of 1989, Articles 40 and 44”;
- (c) for “section 68 or 68A of the said Act of 1958” substitute “Article 72 or 73 of the said Order of 1989”.

The Medicines Act 1968 (c. 67)

11. In Schedule 3, in paragraph 1(2), for “section 31 of the Food and Drugs Act (Northern Ireland) 1958” substitute “Article 36 of the Food (Northern Ireland) Order 1989”.

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

12. In section 12—

- (a) in subsection (1), for paragraph (c) substitute the following paragraph—
 - “(c) Article 6 or 9 of the Food (Northern Ireland) Order 1989 (the “1988 Order”); or”;
- (b) in subsection (5)(a), for “or Order” and “or that Order” substitute respectively “or Orders” and “or those Orders”;
- (c) in subsection (9)(b), for “1958 Act” substitute “1989 Order”.

13. In Schedule 6, for paragraph 4 substitute the following paragraph—

“Food (Northern Ireland) Order 1989 (NI 6)

4.—(1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food (Northern Ireland) Order 1989.

(2) The following provisions of that Order—

- (a) Part III (administration and enforcement),
 - (b) Part IV (procedure and evidence), and
 - (c) Articles 67, 68 and 74 (default powers and other supplemental provisions),
- shall apply as if the substituted requirement were imposed by regulations under Article 6 or 9.”.

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

14. In Article 2(2), in the definition of “public analyst”, for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

The Hydrocarbon Oil Duties Act 1979 (c. 5)

15. In Schedule 5, in paragraph 5(d), for “section 31 of the Food and Drugs Act (Northern Ireland) 1958” substitute “Article 36 of the Food (Northern Ireland) Order 1989”.

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

16. In Article 2(2), in the definition of “drugs” and “food”, for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

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

17. In Article 5(3)(b), for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.

18. In Article 9(2), for “section 22(2A) of the Food and Drugs Act (Northern Ireland) 1958” substitute “Article 29(3) of the Food (Northern Ireland) Order 1989”.

19. In Article 10, for paragraph (3) substitute the following paragraph—

“(3) A warranty or invoice shall be available as a defence in a prosecution for an offence under this Order in any case where a warranty or invoice would be so available if the prosecution had been taken under the Food (Northern Ireland) Order 1989 in respect of the sale of an article of food, and Articles 58 (omitting paragraph (2)(c)) and 59 (omitting paragraph (1)) shall apply accordingly.”

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

20. In section 24(1), in the definition of “food”, for “section 70 of the Food and Drugs Act (Northern Ireland) 1958” substitute “Article 2(2) of the Food (Northern Ireland) Order 1989”.

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

21. In Article 11(2), for “that Act of 1958” substitute “the Food and Drugs Act (Northern Ireland) 1958”.

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”, for paragraphs (a) to (c) substitute—

- “(a) the Food (Northern Ireland) Order 1989; and
- (b) any regulations or order made under that Order;”.

The Consumer Protection Act 1987 (c. 43)

23. In section 19(1), in the definition of “food”, for “and Drugs Act (Northern Ireland) 1958” substitute “(Northern Ireland) Order 1989”.