

---

STATUTORY INSTRUMENTS

---

**1989 No. 846**

**The Food (Northern Ireland) Order 1989**

**PART III**

**ADMINISTRATION AND ENFORCEMENT**

*Sampling and analysis*

**Powers of sampling**

**38.**—(1) An authorised officer of a district council may exercise such powers of procuring samples for analysis, or for bacteriological or other examination, as are conferred upon him by this Article, and any such officer is in this Order referred to as a “sampling officer”.

(2) A sampling officer may purchase samples of any food or of any substance capable of being used in the preparation of food.

(3) Subject to the provisions of this Article, a sampling officer may take a sample of any food, or of any substance capable of being used in the preparation of food, which—

- (a) appears to him to be intended for sale for human consumption; or
- (b) appears to him to have been sold for human consumption; or
- (c) is found by him on or in any premises, stall, vehicle or place other than premises which he is authorised to enter for the purposes of the execution of this Order.

(4) A sampling officer shall not, without the consent of the purchaser,—

- (a) take a sample of any food or substance (other than milk) which appears to him to have been sold by retail, either while the food or substance is in the course of delivery to the purchaser, or at any time after delivery to the purchaser;
- (b) take a sample of milk which appears to him to have been sold by retail at any time after the milk has been delivered to the purchaser.

(5) Any power of an authorised officer to procure samples of milk may be exercised at a place outside the district of the council by which that authorised officer was appointed, if the district council for the district within which the place is situated has consented to samples of milk being procured within its district by officers of the first-mentioned council.

(6) For the purposes of this Order any sample procured in accordance with paragraph (5) shall be deemed to have been procured within the district for which the officer in question acts.

(7) A district council shall not unreasonably withhold its consent for the purposes of paragraph (5), and any question as to the reasonableness of withholding that consent shall be referred to and determined by the Department.