

## SCHEDULES

### SCHEDULE 1

Article 15(3).

#### PROVISIONS OF REGULATIONS UNDER ARTICLE 15(1)

##### Composition of food

1. Provision for prohibiting or regulating—

- (a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or
- (b) the possession of any such substance for use in the preparation of food.

##### Fitness, etc., of food

2.—(1) Provision for prohibiting—

- (a) the sale for human consumption; or
- (b) the use in the manufacture of products for sale for such consumption,

of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.

(2) Provision for prohibiting or regulating, or for enabling district councils<sup>[F1]</sup> or the Food Standards Agency] to prohibit or regulate—

- (a) the sale for human consumption; or
- (b) the offer, exposure or distribution for sale for such consumption,

of shellfish taken from beds or other layings for the time being designated by or under the regulations.

**F1** 1999 c. 28

3.—<sup>[F2F2(1)]</sup> Provision for regulating generally the treatment and disposal of any food—

- (a) which is unfit for human consumption; or
- (b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.

<sup>[F2(2)]</sup> Provision for the following, namely—

- (a) for the registration by the Department of Agriculture<sup>[F3]</sup> or the Food Standards Agency] of premises used or proposed to be used for the purpose of sterilising meat to which subparagraph (1) applies, and for prohibiting the use for that purpose of any premises which are not registered in accordance with the regulations; or
- (b) for the issue by that Department<sup>[F3]</sup> or the Food Standards Agency] of licences in respect of the use of premises for the purpose of sterilising such meat, and for prohibiting the use for that purpose of any premises except in accordance with a licence issued under the regulations.]

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**F2** 1996 NI 12  
**F3** 1999 c. 28

## Processing and treatment of food

4. Provision for the following, namely—
- (a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or
  - (b) for the issue by district councils or, as the case may be,<sup>F4</sup> the Food Standards Agency or] the Department of Agriculture of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

**F4** 1999 c. 28

## Food hygiene

- 5.—(1) Provision for imposing requirements as to—
- (a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;
  - (b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and
  - (c) the disposal of refuse from such premises.
- (2) Provision for imposing requirements as to—
- (a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and
  - (b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.
- (3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.
- 6.—(1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) in respect of any premises—
- (a) on the occupier of the premises; and
  - (b) in the case of requirements of a structural character, on any owner of the premises who either—
    - (i) lets them for use for a purpose to which the regulations apply; or
    - (ii) permits them to be so used after notice from the district council or, as the case may be,<sup>F5</sup> the Food Standards Agency or] the Department of Agriculture.
- (2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which—
- (a) are contained in the regulations; and

(b) are made by virtue of paragraph 5(1),

while there is in force a certificate of the district council or, as the case may be, <sup>[F5]</sup> the Food Standards Agency or] the Department of Agriculture to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

**F5** 1999 c. 28

### <sup>[F6]</sup>Production of food sources

**F6** 1999 c. 28

#### **6A.** Provision for prohibiting or regulating—

- (a) the possession, sale or offer, exposure or advertisement for sale of any specified substance, or any substance of any specified class, with a view to its use in connection with the production of any food source;
- (b) the use of any specified substance, or any substance of any specified class, in connection with the production of any food source;
- (c) the carrying out of any other activity in connection with, or in a manner likely to affect, the production of any food source.]

### Inspection, etc., of food sources

7.—(1) Provision for securing the inspection of food sources by authorised officers for the purpose of ascertaining whether they—

- (a) fail to comply with the requirements of the regulations; or
- (b) are such that any food derived from them is likely to fail to comply with those requirements.

(2) Provision for enabling an authorised officer, if it appears to him on such an inspection that any food source falls <sup>[F7]</sup> (or is likely to fall) within sub#paragraph (1)(a) or (b), to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn—

- (a) no commercial operations are to be carried out with respect to the food source; and
- (b) the food source either is not to be removed or is not to be removed except to some place so specified.

(3) Provision for enabling an authorised officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

**F7** 1999 c. 28

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## SCHEDULE 3

Article 51(3).

## TRANSITIONAL PROVISIONS AND SAVINGS

*Interpretation*

## 1. In this Schedule—

“the appointed day” for the purposes of this Schedule means the day appointed under Article 1(2) for the coming into operation of that provision;

“existing regulations” means—

- (a) any regulations made, or having effect as if made, under a provision repealed by this Order; and
- (b) any orders having effect as if made under such regulations, which are in operation immediately before the appointed day;

“the 1989 Order” means the Food (Northern Ireland) Order 1989<sup>F8</sup>.

|                     |
|---------------------|
| <b>F8</b> 1989 NI 6 |
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*Regulations under the 1989 Order*

2. Any existing regulations made, or having effect as if made, under any provision of the 1989 Order specified in the first column of Table A shall have effect, after the appointed day, as if made under the provisions of this Order specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.

**TABLE A**

| <b>Provision of the 1989 Order</b>     | <b>Provision of this Order</b>                   |
|--|--|
| Article 6 (composition, etc., of food) | Articles 15(1)(a), (c) and (f) and (3) and 16(1) |
| Article 9 (describing food)            | Article 15(1)(e)                                 |
| Article 15 (food hygiene)              | Article 15(1)(b), (c), (d) and (f), (2) and (3)  |
| Articles 27 and 29 (milk)              | Article 15(1)(b), (c), (d) and (f), (2) and (3)  |
| Article 36(2) (public analysts)        | Article 27(2)                                    |
| Article 39(5) (form of certificate)    | Article 48(2)                                    |
| Article 73 (Community provisions)      | Article 16(2)                                    |

*Regulations with respect to milk*

3.—(1) Any existing regulations made under Article 9 of the Milk (Northern Ireland) Order 1983<sup>F9</sup> (milk) shall have effect, after the appointed day as if made under Articles 15(1), (2) and (3), 17(2), 18(1), 32(2) and 48(2).

(2) Any existing regulations made under section 1 of the Importation of Milk Act 1983<sup>F10</sup> shall have effect, after the appointed day, as if made under Article 15(1).

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**F9** 1983 NI 2

**F10** 1983 c. 37

#### *Disqualification orders*

4. The repeal by this Order of Article 16 of the 1989 Order (court's power to disqualify person for carrying on a food business) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

*Para. 5 rep. by 1999 c. 28*

#### *Closure orders*

6. The repeal by this Order of Article 22 of the 1989 Order (closure orders) shall not have effect as respects any order made, or having effect as if made, under that Article which is in operation immediately before the appointed day.

#### *Saving*

7. The provisions of this Schedule have effect without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

#### *Schedule 4—Repeals*

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**Changes and effects yet to be applied to :**

- arts.829303133 applied by [S.I. 1994/2328 reg.1 lreg.1 \(c\)\(ii\)\(cc\)](#)
- arts.8(8)11(10) rev.in pt. by [1996 c. 23 s.107\(2\)Sch.4](#)
- arts.8(8)11(10) rev.in pt. by [1996 c. 23 s.107\(2\)Sch.4](#)
- art. 9 amendment to earlier affecting provision S.R. 2013/219, reg. 4 by [S.I. 2019/353 reg. 4\(4\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/353 revoked immediately before IP completion day by SR 2020/286 regs. 1, 2)
- art. 9(1)(2) amendment to earlier affecting provision S.R. 2015/365, reg. 33 by [S.I. 2019/353 reg. 8\(6\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/353 revoked immediately before IP completion day by SR 2020/286 regs. 1, 2)