
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 420

FOOD

**Food (Animals and Animal Products from Belgium)
(Emergency Control) (No. 4) Order (Northern Ireland) 1999**

Made - - - - 13th October 1999

Coming into operation 14th October 1999

Whereas it appears to the Department of Health and Social Services acting as the Department concerned that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health, now therefore the Department concerned, in exercise of the powers conferred on it by Articles 12(1), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animals and Animal Products from Belgium) (Emergency Control) (No. 4) Order (Northern Ireland) 1999 and shall come into operation on 14th October 1999.

(2) In this Order—

“the 1991 Order” means the Food Safety (Northern Ireland) Order 1991;

“animal” includes any bird;

“the Commission Decision” means Commission Decision [1999/640/EC](#) on protective measures with regards to contamination by dioxins of certain products of porcine and poultry origin intended for human or animal consumption⁽²⁾;

“free circulation” shall be construed in accordance with Article 23.2 of the Treaty establishing the European Community;

“member State” means a member State of the European Community other than Belgium or the United Kingdom;

“relevant animal or animal product” means an entity coming within any of the following descriptions—

(1) [S.I. 1991/762 \(N.I. 7\)](#) as amended by [S.I. 1996/1633 \(N.I. 12\)](#). See Article 2(2) for the definition of “the Department concerned”

(2) O.J. No. L253, 28.9.99, p. 19

- (a) live animals and hatching eggs as referred to in Article 3 of the Commission Decision;
- (b) products of Belgian origin covered by Article 1.4 of the Commission Decision, and
- (c) products which are derived or partly derived from live animals or hatching eggs referred to in sub-paragraph (a) or contain any of the products referred to in sub-paragraph (b), but only includes food and food sources.

(3) Other expressions used both in this Order and in the Commission Decision have the same meaning in this Order as they bear in that Decision.

Exemptions

2.—(1) Article 3 shall not apply to—

- (a) the importation of any food or food source if, when imported, that food or food source is accompanied by valid certification relating to it, as specified in paragraph (3);
- (b) any subsequent commercial operations in relation to the food or food source if it can be proved by the person carrying out the operation that at the time of importation it was so accompanied; or
- (c) the return to Belgium, in accordance with Article 5 of the Commission Decision, of any product covered by this Order.

(2) Article 5 shall not, save for sub-paragraphs (a) and (b) of paragraph (1), apply to any imported food or food source which is accompanied by valid certification relating to it as specified in paragraph (3).

(3) The certification to which paragraphs (1)(a) and (b) and (2) apply is—

- (a) in the case of live poultry or hatching eggs as referred to in Article 2.2 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision;
- (b) in the case of pigs as referred to in Article 2.3 of the Commission Decision, an official declaration signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision;
- (c) in the case of products referred to in Article 2.1 of the Commission Decision, an official certificate signed by the Belgian competent authority in the form called for by that Article, as read with Article 2.4 of that Decision.

Prohibitions

3.—(1) Subject to paragraph (2), no person shall carry out commercial operations with respect to any relevant animal or animal product.

(2) Paragraph (1) shall not be taken to prohibit the bringing into Northern Ireland from a member State of any relevant animal or animal product in free circulation in that member State.

Enforcement

4.—(1) This Order shall be enforced and executed by each district council within its district.

(2) For the purposes of the return to Belgium of any product as specified in Article 2(1)(c), the competent authority for the purposes of the official certificate shall be any authorised officer of a district council.

(3) Each district council shall give such assistance and information to the Department as it may request for the purpose of its duties under Article 12 of the 1991 Order in connection with the implementation of the Commission Decision in relation to food and food sources.

Application and modification of various provisions of the 1991 Order

5.—(1) Article 8 of the 1991 Order (inspection and seizure of suspected food) shall apply for the purposes of this Order, subject to the following modifications—

- (a) paragraphs (1) and (2) shall extend to food and food sources which appear to an authorised officer to come within the definition of “relevant animal or animal product”;
- (b) paragraphs (3) to (9) shall apply—
 - (i) to any food or food source falling within sub-paragraph (a) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and
 - (ii) to any relevant animal or animal product as if it were food which failed to comply with food safety requirements,

save that—

- (aa) where a notice under paragraph (3)(a)(i) is given in relation to a food source, the notice is to relate to food which may come to be derived from the food source,
- (bb) paragraph (6) shall apply in relation to the destruction or disposal of a food source so as to prevent food which may come to be derived from it from being used for human consumption, and
- (cc) a justice of the peace shall decline to condemn food or food sources falling within sub-paragraph (a) above under paragraph (6) if and only if it is proved to him that they do not comprise relevant animals or animal products, or that they are to be returned to Belgium as specified in Article 2(1)(c) of this Order.

(2) The following provisions of the 1991 Order shall apply for the purposes of this Order and any reference in those provisions to the 1991 Order shall be construed for the purposes of this Order as a reference to this Order—

- (a) Article 34 (obstruction, etc., of officers);
- (b) Article 36(1) (punishment of offences) in so far as it relates to offences under Article 34 as applied by sub-paragraph (a).

Revocation

6. The Food (Animals and Animal Products from Belgium) (Emergency Control) (No. 3) Order (Northern Ireland) 1999(3) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 13th October 1999.

L.S.

W. B. Smith
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and re-enacts, with certain changes, the Food (Animals and Animal Products from Belgium) (Emergency Control) (No. 3) Order (Northern Ireland) 1999 ([S.R. 1999 No. 357](#) “the revoked Order”) and implements, in relation to food and food sources, Commission Decision [1999/640/EC](#) on protective measures with regard to contamination by dioxins of certain products of porcine and poultry origin intended for human or animal consumption (O.J. No. L253, 28.9.99, p. 19).

Like the revoked Order, this Order defines 'relevant animal and animal product' (Article 1(2)), prohibits (with exceptions (Article 2)) the carrying out of commercial operations relating to them (Article 3), specifies the enforcement authority (Article 4) and applies with modifications provisions of the Food Safety (Northern Ireland) Order 1991 (Article 5).

In addition to making minor changes to the revoked Order, this Order, by referring to Decision [1999/640/EC](#), makes the following changes of substance—

- (a) it narrows the coverage of the revoked Order in that—
 - (i) it does not apply to bovine animals, but only to pigs and poultry, and
 - (ii) in relation to the categories of product derived from pigs and poultry to which it applies, it excludes certain material from the category “meat products and other products of animal origin”;
- (b) as a consequence of the fact that products of bovine origin are no longer controlled, it removes the exclusion of milk fat previously contained in the category “products intended for human consumption which contain other products of porcine or poultry origin, which contain more than 2% of animal fat”;
- (c) the controls in it apply irrespective of whether, in the case of poultry, pigs and eggs, these were reared/produced in holdings placed under restriction by Belgian authorities or, in the case of products derived from poultry or pigs, whether the animals concerned were so reared;
- (d) it reflects changes (consequential on the changes referred to in paragraphs (a) to (c)) to the certification requirements for the importation from Belgium of animals and animal products controlled by this Order, including the fact that there are no longer any conditions restricting the issue by Belgium of such certification; and
- (e) because those conditions no longer apply, it reflects the fact that the return of products to Belgium in accordance with procedures set out in Article 5 of Decision 1999/640 is now again permitted.