STATUTORY RULES OF NORTHERN IRELAND

2015 No. 321

FOOD

The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015

Made - - - -	*4th August 2015*
Coming into operation	*11th September 2015*

The Department of Health, Social Services and Public Safety [F1] makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(1), 25, 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2], and by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 [F3].

The Department of Health, Social Services and Public Safety has been designated [F4] for the purposes of section 2(2) of the European Communities Act 1972 in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Department of Health, Social Services and Public Safety that it is expedient for any reference to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry [F5] to be construed as a reference, specified in regulation 2(3), to the provisions of that regulation as amended from time to time.

So far as the following Regulations are made in exercise of powers under the Food Safety (Northern Ireland) Order 1991, the Department of Health, Social Services and Public Safety has had regard to relevant advice given by the Food Standards Agency in accordance with Article 47(3A) of that Order.

As required by Article 9 of Regulation (EC) No 178/2002[F6] of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

F1 Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)

F2 S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), **paragraphs 26 to 42** of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505

F3 1972 c.68. as amended by the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008(c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the

Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c.7)

F4 S.I. 2005/2766, to which there are amendments not relevant to these Regulations

F5 OJ No L 335, 14.12.13, p 19

F6 OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14)

Citation and commencement

1. These Regulations may be cited as the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 and come into operation on 11th September 2015.

Interpretation

2.—(1) In these Regulations—

"authorised officer" means a person authorised by an enforcement authority (within the meaning of the Order) for the purposes of these Regulations;

F7 …

F7 …

"Commission Regulation" means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

"food business operator" has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

F7 …

F7 …

"the Order" means the Food Safety (Northern Ireland) Order 1991.

(2) Any reference to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference to the Commission Regulation is a reference to that Regulation as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954 F8 applies to these Regulations as it applies to an Act of the Assembly.

F7 Words in reg. 2(1) omitted (11.2.2019) by virtue of The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **32**

F8 1954 c.33 (NI)

Competent authority

3. Each district council within its district is the competent authority for the purposes of—

(a) the third subparagraph of Article 5(1) (labelling of meat where specified rearing period not attained in any **[**F9single**]** country); and

(b) Article 5(2) (labelling of meat where "origin" indicated on the label).

F9 Word in reg. 3(a) substituted (31.1.2020) by The Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/353), regs. 1, **7**; 2020 c. 1, Sch. 5 para. 1(1)

Enforcement authorities

4.—(1) These Regulations are enforced by each district council within its district.

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Application of provisions of the Order

6.—(1) Articles 9(1) and (2) of the Order (improvement notices) apply, with the modification (in the case of Article 9(1)) specified in Part 1 of the Schedule for the purposes of—

(a) enabling an improvement notice to be served on a person requiring the person to comply with—

(i) any of Articles 3 to 6 and 8 of the Commission Regulation; or

(ii) regulation 5; and

(b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Article 33 of the Order (powers of entry) applies, with the modifications specified in Part 2 of the Schedule, for the purposes of enabling an authorised officer—

(a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of Articles 3 to 6 and 8 of the Commission Regulation;

(b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and

(c) when exercising a power of entry under the provisions of Article 33 as applied by this paragraph, to exercise the powers in paragraphs (6) and (7) relating to records.

(3) Article 37 (appeals) and Article 38 (appeals against improvement notices) of the Order apply, with the modifications specified in Part 3 of the Schedule for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) The provisions of the Order specified in the first column of the table in Part 4 of the Schedule apply with the modifications specified in the second column of that table for the purposes of these Regulations.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 4th August 2015.

L.S.

Julie Thompson
A senior officer of the
Department of Health, Social Services and
Public Safety