STATUTORY RULES OF NORTHERN IRELAND

2014 No. 277

FOOD

The Food Hygiene (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*5th November 2014*
Coming into operation	*13th December 2014*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(**2**).

The Department of Health, Social Services and Public Safety has been designated(**3**) for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food.

As required by Article 9 of Regulation (EC) No. 178/2002 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 the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**4**) there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

Title and commencement

1. These Regulations may be cited as the Food Hygiene (Amendment) Regulations (Northern Ireland) 2014 and come into operation on 13th December 2014.

Amendments to the Food Hygiene Regulations (Northern Ireland) 2006

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006(**5**) are amended in accordance with paragraphs (2) and (3).

(2) In Regulation 17 (offences and penalties)—

(**1**) Formerly the Department of Health and Social services; see S.I.1999/283 (N.I.1), Article 3
(**2**) 1972 c.68
(**3**) S.I. 2003/2901
(**4**) OJ No. L31, 1.2.2002, p1, last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14)
(**5**) SR 2006 No.3 amended by S.R 2007 No.16, S.R 2010 No.83, S.R. 2012 No.130, S.R. 2012 No.280, S.R. 2013 No.66 and S.R. 2013 No. 291

(a) for paragraph 3 substitute—

"(3) A person guilty of an offence under—

(a) regulation 15 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(b) Schedule 6 paragraph 1(2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale".

(3) In Schedule 1 (definitions of EU legislation) for the definition of "Regulation 2075/2005" substitute-

""Regulation 2075/2005" means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat as last amended in respect of its articles by Commission Regulation (EU) No. 216/2014."(**6**)

(4) In Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption)—

(a) for paragraph 1 substitute,—

"**1.** Any person who sells raw milk intended for direct human consumption in contravention of—

(1) paragraph 5, or

(2) paragraph 7A (1) or (2), shall be guilty of an offence".

(b) after paragraph 7, insert the following paragraph—

"**7A.**—(1) Subject to sub-paragraph (3) and except in cases to which sub-paragraph (2) applies the container in which any raw milk is sold shall be marked or labelled "This milk has not been heat-treated and may therefore contain organisms harmful to health".

(2) Subject to sub-paragraph (3), in the case of any raw milk which is not prepacked and is sold at a catering establishment, the words "Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health" must appear—

(a) on a label attached to the container in which that milk is sold, or

(b) on a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk.

(3) The provisions of sub-paragraphs (1)–(2) do not apply to raw milk from buffaloes."

(c) in paragraph 8—

(i) before the definition of "distributor", insert—

""catering establishment" means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation;";

(ii) before the definition of "occupier", insert—

""labelling", in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;"; and

(**6**) The principal instrument is published in OJ L 338, 22.12.2005, p.60 and the amending instrument in OJ L 216/2014