Changes to legislation: *The Fish Labelling Regulations (Northern Ireland) 2013 is up to date with all changes known to be in force on or before 27 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 219

FOOD

The Fish Labelling Regulations (Northern Ireland) 2013

Made - - - -	*9th September 2013*
Coming into operation	*7th October 2013*

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(2), 25(2)(e) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2], and paragraph 1A of Schedule 2 to the European Communities Act 1972 [F3].

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, it has had regard to relevant advice given by the Food Standards Agency.

These 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 references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

(a) Council Regulation (EC) No. 104/2000 on the common organisation of the markets in fishery and aquaculture products [F4];

(b) Commission Regulation (EC) No. 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No. 104/2000 as regards informing consumers about fishery and aquaculture products [F5];

(c) Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [F6]; and

(d) Commission Implementing Regulation (EU) No. 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy [F7].

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 procedures in matters of food safety [F8], 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. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51)
F4 OJ No. L17, 21.1.2000, p.22, as last amended by OJ No. L349, 19.12.2012 p.4
F5 OJ No. L278, 23.10.2001, p.6, as last amended by OJ No. L362, 20.12.2006, p.1
F6 OJ No. L343, 22.12.2009, p1
F7 OJ No. L112, 30.4.2011, p 1, as amended by OJ No. L328, 10.12.2011, p.58
F8 OJ No.L31, 1.2.2002, p.1. as last amended by OJ No. L188, 18.7.2009, p 14

Citation and commencement

1. These Regulations may be cited as the Fish Labelling Regulations (Northern Ireland) 2013 and come into operation on 7th October 2013.

Interpretation

[F9**2.**—(1) In these Regulations—

"the EU Regulations" means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013;

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

"Regulation 1224/2009" means Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

"Regulation 404/2011" means Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy; and

"Regulation 1379/2013" means Regulation (EU) No. 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.**]**

(2) Any references to the EU Regulations in these Regulations are references to the EU Regulations as amended from time to time.

(3) Any expressions used in these Regulations have the same meaning as in the EU Regulations.

(4) The Interpretation Act (Northern Ireland) 1954 F10 applies to these Regulations as it applies to an Act of the Assembly.

F9 Reg. 2(1) substituted (13.12.2014) by The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(2)**
F10 1954 c.33 (NI)

Consumer information and traceability requirements

3.—(1) In these Regulations—

(a) "consumer information requirement" means a requirement referred to in paragraph (2), subject to paragraph **[**F11(6) and (7)**]** ; and

(b) "traceability requirement" means a requirement referred to in paragraph (3), subject to paragraph (7).

(2) For the purposes of paragraph (1)(a) the requirements are—

[F12(a) a requirement specified in Article 35 Regulation 1379/2013 (provision of consumer information) as read with Article 38 of that Regulation, and a requirement specified in Article 39(3) or (4) of Regulation 1379/2013, as read with paragraph (1) of that Article.**]**

(b) a requirement specified in Article 58(6) of Regulation 1224/2009 as read with Articles 67(13) and 68 of Regulation 404/2011.

(3) For the purposes of paragraph (1)(b), the requirements are Article 58(2), (3) and (5) of Regulation 1224/2009 as read with Article 58(7) of that Regulation **[**F13, Article 67(1) to (3) and (5) to (13) of Regulation 404/2011 and Articles 35(1)(c) and 38 of Regulation 1379/2013.**]**

F14(4) . . . . . .

F14(5) . . . . . .

[F15(6) The requirement referred to in paragraph (2)(a) does not apply in the circumstances described in Article 35(4) of Regulation 1379/2013 as read with Article 58(8) of Regulation 1224/2009.**]**

(7) The requirements referred to in paragraphs (2)(b) and (3) do not apply in circumstances described in Article 58(8) of Regulation 1224/2009, as read with Article 67(14) of Regulation 404/2011, where the sale does not exceed the sterling equivalent of 50 euros per day.

F11 Words in reg. 3(1)(a) substituted (13.12.2014) by The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(3)(a)**

F12 Reg. 3(2)(a) substituted (13.12.2014) by The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(3)(b)**

F13 Words in reg. 3(3) substituted (13.12.2014) by The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(3)(c)**

F14 Reg. 3(4)(5) omitted (13.12.2014) by virtue of The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(3)(d)**

F15 Reg. 3(6) substituted (13.12.2014) by The Fish Labelling (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/287), regs. 1(1), **2(3)(e)**

Improvement notice – application of Article 9 of the Order

4.—(1) Article 9 of the Order (improvement notices) applies for the purposes of these Regulations with the following modifications.

(2) For paragraph (1), substitute—

"(1) If an authorised officer has reasonable grounds for believing that an operator has not complied with, or is not likely to comply with, a consumer information requirement or a traceability requirement, the officer may, by notice served on that operator (in this Order referred to as an "improvement notice")—

(a) state the officer's grounds for believing that the operator is failing to comply with those requirements;

(b) specify the matters which constitute the operator's failure so to comply;

(c) specify the measures which, in the officer's opinion, the operator must take in order to secure compliance; and

(d) require the operator to take those measures, or measures which are at least equivalent to them, within such period as may be specified in the notice.".

(3) For paragraph (3), substitute —

"(3) In this Article—

(a) "consumer information requirement" and "traceability requirement" have the meanings given by regulation 3(1) of the Fish Labelling Regulations (Northern Ireland) 2013;

(b) "operator" has the meaning as in the EU Regulations as defined in regulation 2(1) and 2(2) of the Fish Labelling Regulations (Northern Ireland) 2013.".

Appeal against improvement notices

5.—(1) Article 37 of the Order (appeals) applies for the purposes of these Regulations as modified by paragraphs (2) and (3).

(2) For paragraph (1) substitute " Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 4(1) of the Fish Labelling Regulations (Northern Ireland) 2013 may appeal to a court of summary jurisdiction ".

(3) In paragraph (2A)(b) for "(1)(a) substitute " (1) as applied by regulation 5 of the Fish Labelling Regulations (Northern Ireland) 2013, ".

(4) Article 38 of the Order applies for the purposes of these Regulations with the modification that in paragraph (1) and (2) " as applied by regulation 4(1) of the Fish Labelling Regulations (Northern Ireland) 2013 " is inserted after "improvement notice".

Requirement to keep records

6.—(1) For the purposes of Article 58(4) of Regulation 1224/2009, an operator must keep a record of the information referred to in that Article as read with Article 67(4) of Regulation 404/2011.

(2) The record must be kept for three years from the date the transaction is completed.

(3) It is an offence to fail to comply with this regulation.

Requirement to produce records

7. An operator who fails to comply with the second sentence of Article 58(4) of Regulation 1224/2009 is guilty of an offence.

Penalties

8. A person guilty of an offence under regulation 6 or regulation 7 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application and modification of the Order

9. The Schedule (application and modification of the Order) has effect.

Enforcement

10.—(1) Each district council must enforce and execute these Regulations in its district.

(2) Each district council is the competent authority in its district for the purposes of Article 58(4) of Regulation 1224/2009 and Article 67(5) of Regulation 404/2011.

Revocation

11. The Fish Labelling Regulations (Northern Ireland) 2010 [F16] are revoked.