STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 280

# FOOD

## The Food Hygiene (Amendment) (No. 2) Regulations (Northern Ireland) 2012

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| *Made - - - -* | *6th July 2012* |
| *Coming into operation* | *30th July 2012* |

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 and paragraph 1A of Schedule 2 to the European Communities Act 1972(**2**).

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

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 any reference to an EU instrument defined in Schedule 1 to be construed, in accordance with regulation 2(3) as a reference to an annex to that instrument as amended from time to time.

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(**4**) there has been open and transparent public consultation during the preparation of the following Regulations.

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Food Hygiene (Amendment No. 2) Regulations (Northern Ireland) 2012 and come into operation on 30th July 2012.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) 1972 c.68
(**3**) S.I. 2003/2901
(**4**) OJ No. L31, 1.2.2002, p.1, as 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**) 1954 c.33 (N.I.)

**Amendments to the Food Hygiene Regulations (Northern Ireland) 2006**

**2.**—(1) The Food Hygiene Regulations (Northern Ireland) 2006(**6**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) for the references to the EU instruments appearing immediately after the definition of "the Community Regulations" substitute–

""Decision 2006/766", "Decision 2011/131", "Directive 2004/41", "Regulation 178/2002", "Regulation 852/2004", "Regulation 853/2004", "Regulation 854/2004", "Regulation 882/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005", "Regulation 2075/2005", "Regulation 1020/2008", "Regulation 1021/2008", "Regulation 219/2009", "Regulation 596/2009", "Regulation 669/2009", "Regulation 1162/2009", "Regulation 739/2011", "Regulation 809/2011", "Regulation 880/2011", "Regulation 1086/2011", "Regulation 1109/2011", "Regulation 1169/2011", "Regulation 1223/2011", "Regulation 1277/2011", "Regulation 16/2012" and "Regulation 28/2012" have the meanings respectively given to them in Schedule 1;".

(3) After regulation 2(5) insert—

"(6) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any annex to it may be amended from time to time.".

(4) After regulation 29 (restrictions on the sale of raw milk intended for direct human consumption) insert—

"**Special health mark**

**29A.**—(1) The special health mark referred to in paragraph 9 of Chapter VI of Section I of Annex III to Regulation 853/2004 and paragraph 7 of Chapter III of Section I of Annex I to Regulation 854/2004 shall conform with Schedule 6A".

(5) For Schedule 1 (definitions of Community legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

(6) Immediately after Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) insert the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6th July 2012.

L.S.

*Linda Devlin*
A senior officer of the Department of Health,
Social Services and Public Safety

(**6**) S.R. 2006 No. 3, as amended by S.R. 2007 No. 16 and S.R. 2010 No. 83

SCHEDULE 1 Regulation 2(5)

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006

"SCHEDULE 1 Regulation 2(1)

DEFINITIONS OF EU LEGISLATION

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| "Decision 2006/766" means Commission Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(**7**) as last amended by Decision 2011/131; |
| "Decision 2011/131" means Commission Decision 2011/131/EU amending Annexe II to Decision 2006/766/EC as regards the inclusion of Fiji in the list of third countries and territories from which imports of fishery products for human consumption are permitted(**8**); |
| "Directive 2004/41" means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(**9**); |
| "Regulation 178/2002" means 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 as last amended by Regulation 596/2009; |
| "Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**10**) as last amended by Regulation 219/2009 and as read with Regulation 2073/2005; |
| "Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**11**) as last amended by Regulation 16/2012 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005, Regulation 2076/2005, Regulation 1020/2008 and Regulation 1162/2009; |
| "Regulation 854/2004" means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**12**) as last amended by Regulation 739/2011 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005, Regulation 2076/2005, Decision 2006/766, Regulation 1021/2008 and Regulation 1162/2009; |
| "Regulation 882/2004" means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and |

(**7**) OJ No. L320, 18.11.2006, p.53
(**8**) OJ No. L53, 26.2.2011, p.73
(**9**) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12)
(**10**) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)
(**11**) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)
(**12**) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)