STATUTORY RULES OF NORTHERN IRELAND

2006 No. 415

FOOD

The Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006

Made - - - -	*18th October 2006*
Coming into operation	*18th October 2006*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred 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.

Citation and commencement

1. These Regulations may be cited as the Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 and shall come into operation on 18th October 2006.

Interpretation

2.—(1) In these Regulations —

"authorised officer", in relation to a district council, means any person (whether or not an officer of the district council) authorised by it in writing, either generally or specially, to act in matters arising under these Regulations;

"place on the market" and "placed on the market" shall be construed in accordance with the definition of "placing on the market" in Article 3.8 of Regulation 178/2002;

"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(**4**) as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and

(**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, p.1

requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**5**).

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Prohibition on the placing on the market of curd cheese

3. No person shall place on the market any curd cheese manufactured by Bowland Dairy Products Limited, located at Fulshaw Head Farm, Barrowford, Lancashire BB9 6RA and approved under the number UK PE 23.

Application of various provisions of the Food Safety (Northern Ireland) Order 1991

4. The following provisions of the Food Safety (Northern Ireland) Order 1991(**7**) shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Order or Part thereof shall be construed as a reference to these Regulations —

(a) article 19 (offences due to fault of another person);

(b) article 20 (defence of due diligence)(**8**) with the modifications that paragraphs (2) to (4) shall apply in relation to an offence under regulation 6(1) as they apply in relation to an offence under article 13 or 14 and that in paragraph (4)(b) the references to "sale or intended sale" shall be deemed to be references to "placing on the market";

(c) article 33 (powers of entry);

(d) article 34(1) (obstruction etc. of officers);

(e) article 34(2), with the modification that the reference to "any such requirement as is mentioned in paragraph 1(b) " shall be deemed to be a reference to any such requirement as is mentioned in article 34(1)(b) as applied by sub–paragraph (d);

(f) article 36(1) (punishment of offences), in so far as it relates to offences under article 34(1) as applied by sub–paragraph (d);

(g) article 36(2) and (3)(**9**), in so far as it relates to offences under article 34(2) as applied by sub–paragraph (e);

Inspection and seizure of suspected products

5.—(1) An authorised officer of a district council may at all reasonable times inspect any product that has been placed on the market and paragraphs (2) to (7) shall apply where, on such an inspection or for any other reasonable cause, it appears to the authorised officer that any person has failed to comply with regulation 3 in relation to any product.

(2) The authorised officer may either —

(a) give notice to the person in charge of the product that, until the notice is withdrawn, the product or any specified portion of it —

(i) is not to be further placed on the market, and

(ii) either is not to be removed or is not to be removed except to some place specified in the notice; or

(b) seize the product and remove it in order to have it dealt with by a justice of the peace.

(**5**) OJ No. L245, 29.9.2003, p.4
(**6**) 1954 c.33 (N.I.)
(**7**) 1991 No. 762 (NI 7)
(**8**) Article 20 was amended by S.R. 2004 No. 505
(**9**) Article 36(3) was amended by S.R. 2004 No. 505