STATUTORY RULES OF NORTHERN IRELAND

2001 No. 85

FOOD

Food Safety (General Food Hygiene) (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*27th February 2001*
Coming into operation—	
regulations 1 and 5	*16th April 2001*
regulations 2, 3 and 4	*1st October 2001*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(*d*) and (*f*) and (3), 18(1)(*b*), 25(2)(*a*) and (*d*) and (3), 44(1) and 47(2)(*b*) of, and paragraph 5(3) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**), and of all other powers enabling it in that behalf, it appearing to it to be necessary or expedient to make these Regulations for the purpose of securing that food complies with food safety requirements in so far as required by Articles 15(1)(*f*) and 18(2)(*a*) of the said Order, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation with such organisations as appear to it to be representative of interests likely to be substantially affected as required by Articles 47(3) of the said Order, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation as follows—

(a) regulations 1 and 5 on 16th April 2001;

(b) regulations 2, 3 and 4 on 1st October 2001.

(2) In these Regulations "the principal Regulations" means the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995(**3**).

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

(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28

(**3**) S.R. 1995 No. 360 as amended by S.R. 1996 No. 286

Amendment of regulation 3(1)

2. In regulation 3(1) (application of provisions of the principal Regulations), for "regulations 4 and 5" there shall be substituted "regulations 4, 4A and 5".

Insertion of regulation 4A and Schedule 1A

3.—(1) After regulation 4 of the principle Regulations there shall be inserted the following regulation—

"**Licences for butchers' shops**

4A. Schedule 1A (provisions relating to the licensing of butchers' shops) shall have effect.".

(2) After Schedule 1 to the principal Regulations there shall be inserted as Schedule 1A the provisions set out in the Schedule.

Amendment of regulation 6(1)

4. In regulation 6(1) (offences and penalties) of the principal Regulations, after "or 5," there shall be inserted "or paragraph 2 of Schedule 1A".

Transitional provision

5. Before regulations 2, 3 and 4 come into operation—

(a) persons may apply for licences as if those regulations were in operation by submitting applications which comply with Schedule 1A to the principal Regulations, as set out in the Schedule to these Regulations;

(b) district councils—

(i) shall determine any such applications which they receive, give notices of determinations and, where appropriate, issue licences; and

(ii) may suspend or revoke any licence issued in respect of such an application and take any steps which they consider appropriate for the purposes of making determinations in relation to such applications and licences (including the inspection of premises and the receipt of charges),

as if the said Schedule 1A were in operation;

and any licence granted by a district council pursuant to such an application shall, subject to paragraph 10 of Schedule 1A, remain in force for a period of one year commencing with the later of the date on which it is issued or 1st October 2001.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 27th February 2001.

W. B. Smith
Senior Officer of the
Department of Health, Social Services and
Public Safety

SCHEDULE Regulation 3(2)

Schedule 1A for insertion in the Principal Regulations

"SCHEDULE 1A Regulations 4A and 6(1)

Licensing of Butcher's Shops

1. The following definitions shall apply for the purposes of this Schedule—

"applicant" means a person who is applying for a licence;

"appropriate district council" in relation to a butcher's shop, or an application or licence relating to a butcher's shop, means the district council for the area in which the shop is situated (or, in the case of moveable premises, ordinarily kept) or the district council which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations (Northern Ireland) 1992(**4**);

"butcher's shop" means the premises of a food business in or from which—

(a) commercial operations are carried out in relation to unwrapped raw meat, and

(b) raw meat and ready-to-eat food are both placed on the market for sale or supply,

other than catering premises and exempted mixed business premises;

"catering premises" means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed mobile stall) where, in the course of a business—

(a) food is prepared for delivery to the ultimate consumer for consumption, and

(b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

"exempted mixed business premises" means mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat and where none of the circumstances described in paragraphs (*a*) to (*c*) of paragraph 5(6) apply;

"HACCP procedures" mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles—

(a) analysis of the potential food hazards in a food business operation;

(b) identification of the points in those operations where food hazards may occur;

(c) deciding which of the points identified are critical to ensuring food safety ("critical points");

(d) identification and implementation of effective control and monitoring procedures (initial critical limits), at those critical points;

(e) verification to confirm that the Hazard Analysis and Critical Control Points system is working effectively;

(f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business' operations change; and

(g) documentation of all procedures appropriate to the effective application of the principles listed in sub-paragraphs (*a*) to (*f*), including documentation which identifies the persons who have undertaken training in accordance with paragraphs 5(1)(*b*) or (*c*);

"licence" means a licence issued under this Schedule;

(**4**) S.R. 1992 No. 167, to which there are amendments not relevant to these Regulations