STATUTORY RULES OF NORTHERN IRELAND

2000 No. 191

FOOD

Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000

Made - - - -	*22nd May 2000*
Coming into operation	*30th June 2000*

Whereas it appears to the Department of Health, Social Services and Public Safety(**1**) that it is necessary or expedient—

(a) for the purpose of securing that food complies with food safety requirements and in the interests of the public health; and

(b) for the purpose of protecting or promoting the interests of consumers,

to make the following Regulations;

Now, therefore, that Department, in exercise of the powers conferred by Articles 15(1) to (3), 16(1), 18(1), 25, 26(3), 47(2) and 48(2) of, and paragraphs 5, 6(1) and 7(1) and (2) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**) and of every power enabling it in that behalf, and being a Department designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972(**4**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, after consultation in accordance with Article 47(3) of the said Order of 1991 with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations and having regard, in accordance with Article 47(3A) of the said Order of 1991 to any relevant advice given by the Food Standards Agency, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 and shall come into operation on 30th June 2000.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply 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 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.I. 1972/1811
(**4**) 1972 c. 68
(**5**) 1954 c. 33 (N.I.)

Amendments to the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997

2.—(1) The Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**6**) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition of "health mark" for the words "regulation 11" there shall be substituted "regulation 10"; and

(b) in the definition of "OVS" for the words "regulation 8" there shall be substituted "regulation 7".

(3) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical position—

""associate", in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means—

(a) if the person so entitled is a natural person—

(i) his husband, wife, son or daughter (including a stepson or step-daughter);

(ii) any body corporate of which he is a director; and

(iii) any person who is his employee or partner;

(b) if the person so entitled is a body corporate—

(i) any of its directors;

(ii) any body corporate which is a subsidiary of it;

(iii) any employee or director of any such subsidiary;

(iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common; and

(v) any employee or director of any such subsidiary; and

(c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement—

(i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition; or

(ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;";

""controller", in relation to any occupier of any licensed premises which is a body corporate, means a person—

(a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or

(b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;";

""director" means—

(a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;

(**6**) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237 and S.R. 2000 No. 78

(b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person; or

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;";

""manager" means a person who exercises managerial functions in relation to any premises;";

""subsidiary" and "holding company" mean respectively a "subsidiary" and a "holding company" within the meaning of Article 4 of the Companies (Northern Ireland) Order 1986(**7**);".

(4) In regulation 3 (exemptions) the phrase "Subject to regulation 3A," shall be inserted at the beginning.

(5) The following regulation shall be inserted between regulation 3 and regulation 4 (issue of licences)—

"**Obligations on persons engaged in otherwise exempt activities**

3A.—(1) A person who (by virtue of regulation 3(*f*)) is stated to be exempt from these Regulations shall not—

(a) sell, offer for sale or expose for sale; or

(b) possess with a view to sale or preparation for sale,

any fresh meat intended for human consumption unless each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3(*f*), regulations 2, 20, 21 and 22 shall apply in respect of the prohibition imposed by paragraph (1).".

(6) Paragraph (1) of regulation 4 (issue of licences) shall be replaced by the following—

"(1) A person shall not carry on the business of a slaughterhouse, a cutting premises, a repackaging centre, a cold store, a farmed game handling facility or a farmed game processing facility unless—

(a) the premises concerned are licensed for the business concerned by the Agency;

(b) that person complies with any conditions to which the licence is subject; and

(c) that person—

(i) applies for the licence for those premises on or after the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000;

(ii) was the occupier of those premises on the date of coming into operation of those Regulations and has not failed to comply with the obligation in regulation 6A;

(iii) (subsequent to the grant of the licence or the date of coming into operation of those Regulations, whichever is later) notified the Agency in accordance with regulation 4A(3) of his intention to carry on that business there; or

(iv) (where the previous occupier of those premises was a natural person) is the personal representative or a member of the family of the previous occupier, and that previous occupier died less than one month previously.".

(7) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4—

(**7**) S.I. 1986/1032 (N.I. 6); Article 4 was substituted by Article 62(1) of the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

"(3A) Each application for a licence under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant.".

(8) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of licences)—

"**Change of directors, managers and controllers of occupiers of licensed premises and change of occupier of such premises**

4A.—(1) The occupier of licensed premises shall notify the Agency of any change in the identity or principal business address of his directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) An occupier of licensed premises shall not transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the licence unless he notifies the Agency of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy licensed premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are licensed shall notify the Agency at least 21 days before he occupies them of his intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his family, but the successor shall notify the Agency of his name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier.".

(9) In paragraph (1)(*b*) of regulation 5 the words "as to hygiene" shall be deleted.

(10) Paragraph (1)(*c*) of regulation 5 shall be replaced with the following—

"(c) any condition attached to the licence has not been complied with;".

(11) Paragraph (4) of regulation 5 shall be replaced by the following—

"(4) Where the Agency has revoked the licence of any premises, a person who, immediately before such revocation, had been using those premises may continue to use them, subject to any reasonable conditions imposed by the Agency for the protection of public health, unless—

(a) the time for appealing against the Agency's decision has expired without an appeal having been lodged; and

(b) (where an appeal has been lodged within the one month period stipulated in Article 37(2A) of the Order) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) shall permit premises to be used if—

(a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to Article 10, 11 or 12 of the Order; or

(b) the Agency has suspended the licence of the premises pursuant to regulation 5A.".

(12) The following regulation shall be inserted between regulation 5 and regulation 6 (animals not intended for sale for human consumption)—

"**Suspension of licences**

5A.—(1) The Agency may suspend a licence granted in respect of any premises where—

(a) it appears to it that—

(i) any requirement of these Regulations in relation to the premises is being breached there; or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in relation to those premises pursuant to regulation 9(1), and—

(i) the Agency is not satisfied that the action specified in the notice has been taken within the time specified there, and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered there.

(2) Where the Agency intends to suspend a licence pursuant to paragraph (1), it shall give notice in writing to the occupier of the premises, informing him of—

(a) its decision to suspend the licence;

(b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);

(c) the matters which must be remedied in order for the suspension to be lifted; and

(d) his right to appeal to a court of summary jurisdiction, and of the period within which such an appeal may be brought.

(3) Insofar as a licence is suspended pursuant to paragraph (1), the premises in respect of which that licence was granted shall be treated for the purposes of these Regulations as if they were not licensed premises.

(4) The Agency shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in paragraph (2) have been remedied and may lift the suspension of any licence in any other case.

(5) Where the Agency lifts a suspension pursuant to paragraph (4), it shall do so by notice specifying the date on which it is lifted.".

(13) The following regulation shall be inserted into Part II, after regulation 6—

"**Provision of information by current occupiers of licensed premises**

6A. Every person who is the occupier of licensed premises at the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000 shall notify the Agency of—

(a) his identity and principal business address;

(b) the identity and principal business address of each of his managers and (if applicable) directors and controllers; and

(c) the address of those licensed premises (where different from the address required to be notified under paragraph (*a*)),

within 3 months of the date of coming into operation of the Meat (Enhanced Enforcement Powers) Regulations (Northern Ireland) 2000.".

(14) In paragraph (1) of regulation 7 (supervision of premises), the following sub-paragraph shall be added between sub-paragraphs (*a*) and (*b*)—