STATUTORY RULES OF NORTHERN IRELAND

2000 No. 78

FOOD

Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000

Made - - - -	*11th March 2000*
Coming into operation	*1st April 2000*

The Secretary of State, in exercise of the power conferred by section 42(1), (2) and (3)(*b*) of the Food Standards Act 1999(**1**) and now exercisable by him(**2**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 and shall come into operation on 1st April 2000.

Interpretation

2.—(1) In these Regulations—

"the 1999 Act" means the Food Standards Act 1999;

"instrument" means any instrument (other than any statutory instrument or statutory rule) relating to a transferred function, issued or made by or on behalf of a Northern Ireland Department, including—

(a) appointments (other than any appointment to an advisory committee);

(b) approvals, authorisations, licences, provisional licences and registrations;

(c) certificates;

(d) codes of practice;

(e) designations;

(f) notices;

(g) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food

(**1**) 1999 c. 28

(**2**) *See* section 1(8) of, and paragraph 4(1)(*a*) of the Schedule to, the Northern Ireland Act 2000 c. 1

(including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;

(h) schemes and byelaws; and

(i) warrants;

"transferred function" means any function—

(a) of the Department of Agriculture and Rural Development(**3**) referred to in—

(i) subsection (2) of section 26 of the 1999 Act (statutory functions of the Department of Agriculture and Rural Development ceasing to be exercisable by it);

(ii) paragraph 6 of Schedule 5 to the 1999 Act and paragraphs 26 to 42 of that Schedule (amendments respectively to the Food and Environment Protection Act 1985(**4**) and the Food Safety (Northern Ireland) Order 1991(**5**); and

(iii) the entries in Schedule 6 of the 1999 Act relating to the repeals of provisions of the Food Safety (Northern Ireland) Order 1991 (other than Articles 24 and 25(3)),

which relates to functions falling to the Agency under or by virtue of the 1999 Act; or

(b) exercisable by the Agency instead of a Northern Ireland Department after the coming into operation of these Regulations by virtue of regulations 3 to 12(1) (consequential provisions),

but does not include any exercise of the powers referred to in regulation 13(1)(*c*) or (*d*).

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

Regulations relating to egg products, dairy products and egg hygiene: consequential provisions

3.—(1) The Egg Products Regulations (Northern Ireland) 1993(**7**) shall be modified in accordance with the provisions of Part I of Schedule 1.

(2) Save in so far as they relate to zootechnical products (as referred to in section 29(2)(*d*) of the 1999 Act), the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995(**8**) shall be modified in accordance with the provisions of Part II of Schedule 1.

(3) The Eggs (Marketing Standards) Regulations (Northern Ireland) 1995(**9**) shall be modified in accordance with the provisions of Part III of Schedule 1.

Regulations relating to feedingstuffs: consequential provisions

4.—(1) The Feeding Stuffs Regulations (Northern Ireland) 1995(**10**) shall be modified in accordance with the provisions of Part I of Schedule 2.

(2) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(**11**) shall be modified, in relation to Northern Ireland, in accordance with the provisions of Part II of Schedule 2.

(**3**) Formerly the Department of Agriculture; *see* Article 3(4) of S.I.1999/283 (N.I. 1)
(**4**) 1985 c. 43. Part I of the Act was amended by section 51 of the Food Safety Act 1990 c. 16; other relevant amendments to the Act were made by paragraph 29 of Schedule 3 to that Act and S.I. 1999/1756 and 1820
(**5**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). The functions exercisable by the Department of Agriculture and Rural Development in pursuance of Article 26(1A) of the Order are specified in the Food Safety (Enforcement) Order (Northern Ireland) 1997 (S.R. 1997 No. 492)
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1993 No. 329, to which there are amendments not relevant to these Regulations
(**8**) S.R. 1995 No. 201; the relevant amending Regulations are S.R. 1996 No. 287
(**9**) S.R. 1995 No. 382; the relevant amending Regulations are S.R.1997 No. 451
(**10**) S.R. 1995 No. 451; the relevant amending Regulations are S.R. 1999 No. 287
(**11**) S.I. 1999/1872

(3) Save in so far as they relate to zootechnical products (as referred to in section 29(2)(*d*) of the 1999 Act), the Feeding Stuffs (Enforcement) Regulations 1999(**12**) shall be modified, in relation to Northern Ireland, in accordance with the provisions of Part III of Schedule 2.

(4) The Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 2000(**13**) shall be modified in accordance with the provisions of Part IV of Schedule 2.

Regulations relating to general food hygiene, temperature control and fish and shellfish hygiene: consequential provisions

5.—(1) The Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995(**14**) shall be modified in accordance with the provisions of Part I of Schedule 3.

(2) The Food Safety (Temperature Control) Regulations (Northern Ireland) 1995(**15**) shall be modified in accordance with the provisions of Part II of Schedule 3.

(3) The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations (Northern Ireland) 1998(**16**) shall be modified in accordance with the provisions of Part III of Schedule 3.

Regulations relating to meat hygiene, etc.: consequential provisions

6.—(1) The Meat (Hygiene, Inspection and Examination for Residues) (Charges) Regulations (Northern Ireland) 1995(**17**) shall be modified in accordance with the provisions of Part I of Schedule 4.

(2) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**18**) shall be modified in accordance with the provisions of Part II of Schedule 4.

(3) The Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(**19**) shall be modified in accordance with the provisions of Part III of Schedule 4.

(4) The Beef Bones Regulations (Northern Ireland) 1997(**20**) shall be modified in accordance with the provisions of Part IV of Schedule 4.

(5) The Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**21**) shall be modified in accordance with the provisions of Part V of Schedule 4.

(6) The Meat Products (Hygiene) Regulations (Northern Ireland) 1997(**22**) shall be modified in accordance with the provisions of Part VI of Schedule 4.

(7) The Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(**23**) shall be modified in accordance with the provisions of Part VII of Schedule 4.

(8) The Specified Risk Material Regulations (Northern Ireland) 1997(**24**) shall be modified in accordance with the provisions of Part VIII of Schedule 4.

(9) The Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**25**) shall be modified in accordance with the provisions of Part IX of Schedule 4.

(**12**) S.I. 1999/2325
(**13**) S.R. 2000 No. 73
(**14**) S.R. 1995 No. 360, to which there are amendments not relevant to these Regulations
(**15**) S.R. 1995 No. 377, to which there are amendments not relevant to these Regulations
(**16**) S.R. 1998 No. 207, to which there are amendments not relevant to these Regulations
(**17**) S.R. 1995 No. 431
(**18**) S.R. 1995 No. 396, to which there are amendments not relevant to these Regulations
(**19**) S.R. 1996 No. 404, as amended by S.R. 1996 No. 506
(**20**) S.R. 1997 No. 540
(**21**) S.R. 1997 No. 493
(**22**) S.R. 1997 No. 494, as amended by S.R. 1999 No. 193
(**23**) S.R. 1997 No. 495
(**24**) S.R. 1997 No. 552, as amended by S.R. 1999 No. 157 and S.R. 1999 No. 431
(**25**) S.R. 1997 No. 496

(10) The Animal By-Products (Identification) Regulations (Northern Ireland) 1999(**26**) shall be modified in accordance with the provisions of Part X of Schedule 4.

(11) The Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999(**27**) shall be modified in accordance with the provisions of Part XI of Schedule 4.

Regulations relating to imports and exports: consequential provisions

7.—(1) The Imported Food Regulations (Northern Ireland) 1991(**28**) shall be modified in accordance with the provisions of Part I of Schedule 5.

(2) The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(**29**) shall be modified in accordance with the provisions of Part II of Schedule 5.

Regulations relating to food irradiation: consequential provisions

8. The Food (Control of Irradiation) Regulations (Northern Ireland) 1992(**30**) shall be modified in accordance with the provisions of Schedule 6.

Emergency Control Orders: consequential provisions

9.—(1) The Food (Peanuts from Egypt) (Emergency Control) Order (Northern Ireland) 1999(**31**) shall be modified in accordance with the provisions of Part I of Schedule 7.

(2) The Food (Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 2000(**32**) shall be modified in accordance with the provisions of Part II of Schedule 7.

Other Regulations: consequential provisions

10.—(1) The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996(**33**) shall be modified in accordance with the provisions of Part I of Schedule 8.

(2) The Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998(**34**) shall be modified in accordance with the provisions of Part II of Schedule 8.

(3) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(**35**) shall be modified in accordance with the provisions of Part III of Schedule 8.

(4) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 1999(**36**) shall be modified in accordance with the provisions of Part IV of Schedule 8.

Monitoring of enforcement action, etc.: consequential provisions

11. The definition of "relevant legislation" in section 15(1) of the 1999 Act shall have effect as if the references in paragraph (*b*) to the provisions of Regulations or Orders made under the 1991 Order included references to the provisions of the Regulations made under section 2(2) of the European Communities Act 1972(**37**) specified in Schedule 9 to these Regulations.

(**26**) S.R. 1999 No. 418
(**27**) S.R. 1999 No. 431
(**28**) S.R. 1991 No. 475, to which there are amendments not relevant to these Regulations
(**29**) S.R. 1998 No. 45, to which there are amendments not relevant to these Regulations
(**30**) S.R. 1992 No. 172
(**31**) S.R. 1999 No. 300
(**32**) S.R. 2000 No. 72
(**33**) S.R. 1996 No. 558
(**34**) S.R. 1998 No. 29
(**35**) S.R. 1999 No. 308
(**36**) S.R. 1999 No. 301
(**37**) 1972 c. 68

Instruments, orders and judgments: consequential provisions

12.—(1) Subject to the following paragraphs, any provision relating to a transferred function—

(a) in an instrument made before the coming into operation of these Regulations; or

(b) in a court order or judgment made or given before the coming into operation of these Regulations,

shall have effect, so far as may be necessary or expedient in preparation for, in connection with, or in consequence of the transfer of that function to the Agency, as if any references in that provision (including any references which are to be construed as such references) to, or to officers of, a Northern Ireland Department, were references to the Agency, or to its officers, as the context may require.

(2) Paragraph (1) shall not apply—

(a) to any authorisation, licence or provisional licence issued for the purposes of the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 in operation at the coming into operation of these Regulations; or

(b) to any relevant designation after the expiry of the period of six months beginning at the coming into operation of these Regulations.

(3) Paragraph (1) shall apply to provisions of codes of practice issued under Article 39 of the Food Safety (Northern Ireland) Order 1991 before the coming into operation of these Regulations but shall not apply so as to treat the authority by which the code was issued as altered.

(4) For the purposes of paragraph (2)(*b*), a "relevant designation" is a designation of an official veterinary surgeon, in force at the coming into operation of these Regulations, under or for any purpose relating to—

(a) the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;

(b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995; or

(c) the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997.

Transitional provisions and savings

13.—(1) The transfer to the Agency of any transferred function shall not affect—

(a) the validity of anything done, or having effect as if done, by or on behalf of the Department of Agriculture and Rural Development before the coming into operation of the provision by or under which the function is transferred;

(b) the power of the Department of Agriculture and Rural Develpment to act on behalf of the Agency in carrying out its functions;

(c) the power of the Department of Agriculture and Rural Development to act as competent authority for the purposes of—

(i) article 14 of Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(**38**); and

(ii) article 3 of Commission Regulation (EC) No. 1141/97 laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products(**39**); or

(**38**) O.J. No. L117, 7.5.97, p. 1
(**39**) O.J. No. L165, 24.6.97, p. 7