STATUTORY RULES OF NORTHERN IRELAND

1999 No. 285

FOOD

Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment No. 2) Regulations (Northern Ireland) 1999

Made - - - -	*23rd June 1999*
Coming into operation	*9th August 1999*

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred on it by Articles 16(1) and 47(2)(b) of the Food Safety (Northern Ireland) Order 1991(**1**), and, being a designated Department(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) 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 in each case in exercise of all other powers respectively enabling it in that behalf and after consultation (so far as is required by Article 47(3) of the said Order) with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment No. 2) Regulations (Northern Ireland) 1999 and shall come into operation on 9th August 1999.

(2) In these Regulations "the principal Regulations" means the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations (Northern Ireland) 1998(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2(1) of the principal Regulations

2. In regulation 2(1) (interpretation) after the definition of "potable water" there shall be inserted —

> ""prepared", in relation to fishery products, means undergoing an operation affecting the products' anatomical wholeness, such as gutting, heading, slicing, filleting, chopping, etc;".

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). See Article 2(2) for the definition of "regulations"
(**2**) S.I. 1972/1811
(**3**) 1972 c. 68
(**4**) S.R. 1998 No. 207 as amended by S.R. 1999 No. 83
(**5**) 1954 c. 33 (N.I.)

Amendment of regulation 20(1) of the principal Regulations

3. In regulation 20(1)(b) (direct transfers of live shellfish on local markets) of the principal Regulations, after "live" there shall be inserted "scallops (other than aquaculture products),".

Amendment of regulation 30 of the principal Regulations

4. For regulation 30 (obligations upon food business proprietors operating auction or wholesale markets) of the principal Regulations there shall be substituted—

"**Obligations on persons responsible for auction or wholesale markets**

30.—(1) Any person who makes premises available for an auction or wholesale market at which fishery products which are intended for placing on the market for human consumption are handled shall ensure that the applicable provisions of Chapters II and III of Schedule 3 are complied with as respects the market.

(2) Any food business proprietor who operates within an auction or wholesale market shall ensure that the applicable provisions of Chapters II and III of Schedule 3 are complied with as respects his business.".

Amendment of regulation 41 of the principal Regulations

5. At the end of regulation 41(2) (direct transfers of fishery products on local markets) of the principal Regulations there shall be added—

"and "fishery products" in its application to shellfish means bivalve molluscs which have been gathered from a class A designated bivalve production area, scallops other than aquaculture products, echinoderms, tunicates and marine gastropods.".

Substitution of Part V of the principal Regulations

6. For Part V of the principal Regulations (inspection charges for direct landings from third country vessels) there shall be substituted—

"PART V

INSPECTION CHARGES

Inspection charges

47. Schedule 4A (inspection charges) shall have effect.".

Amendment of Chapter III of Schedule 3 to the principal Regulations

7. In Section II (general conditions of hygiene) of Chapter III (general conditions for establishments on land) of Schedule 3 (production and placing on the market; conditions for fishery products)—

(a) in paragraph A1, for "equipment" there shall be substituted "lavatories, equipment intended to facilitate personal hygiene (such as hand basins) and equipment";

(b) for paragraphs B1 and B2 there shall be substituted—

"**B. General conditions of hygiene applicable to persons working on or handling fishery products**

1. The highest possible standard of cleanliness is required of persons working on or handling fishery products. More specifically—

(a) persons working on or handling fishery products must wear suitable clean working clothes and headgear which completely encloses the hair; this applies particularly to persons handling exposed fishery products;

(b) persons working on or handling fishery products must wash their hands at least each time work is resumed; wounds to hands must be covered by a waterproof dressing;

(c) persons working on or handling fishery products must not smoke, spit, eat, or drink in any fishery products working or storage area.

2.—(1) The employer shall take all requisite measures to prevent persons working on or handling fishery products from contaminating them.

(2) The employer shall prevent persons liable to contaminate fishery products from working on or handling them, until there is evidence that such persons can do so without risk.

(3) When recruited, any person working on or handling fishery products must prove, by medical certificate, that there is no impediment to such work or handling.".

Insertion of Schedule 4A in the principal Regulations

8. After Schedule 4 to the principal Regulations there shall be inserted Schedule 4A as set out in the Schedule.

Amendment of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment) Regulations (Northern Ireland) 1999

9. In paragraph 5(2)(a) of the Schedule (amendments relating to the introduction of the standard registration document) to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) (Amendment) Regulations (Northern Ireland) 1999(**6**) for "paragraph 6A(5) and 7" there shall be substituted "paragraphs 6A(5) and (8) and 7.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

L.S.
23rd June 1999.

J. R. Kearney
Assistant Secretary

(**6**) S.R. 1999 No. 83

SCHEDULE Regulation 8

Schedule to be inserted after Schedule 4 to the principal Regulations

"SCHEDULE 4A Regulation 47

Inspection Charges

PART I

COMMON PROVISIONS

Interpretation

1. In this Schedule—

"account period" means an account period determined under paragraph 4;

"actual costs" means actual costs determined in accordance with paragraph 2;

"relevant district council" means the district council to which a charge is payable under paragraph 6;

"specified pelagic fish" means—

(a) herring of the species Clupea harengus,

(b) sardines of the species Sardina pilchardus,

(c) mackerel of the species Scomber scombrus or Scomber japonicus,

(d) horse mackerel,

(e) anchovies,

(f) picarels of the species Maena smaris;

"third country," except in the expression third country import, means any country or territory, other than Greenland, which does not comprise the whole or part of a member State or an EEA State;

"vendor" means—

(a) where an agent sells fishery products on behalf of the owner or master of a vessel, that agent;

(b) in any other case, the owner or master of the vessel.

The calculation of actual costs

2.—(1) For the purposes of this Schedule, the actual costs of an inspection are the costs directly involved in carrying out a health inspection under these Regulations having regard to the following factors—

(a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of all staff directly involved in the health inspection and all staff engaged in the management or administration of health inspections;

(b) the costs of in-service training for staff directly involved in the health inspection;

(c) any travelling costs and related incidental expenses incurred in carrying out an inspection except those incurred by a person attending his normal place of work;

(d) the costs of office accommodation, equipment and services for staff involved in carrying out inspections under these Regulations, including depreciation of any office furniture and equipment and also including the cost of information technology, stationery and forms;

(e) the costs of protective clothing and equipment used in carrying out the inspection;

(f) the costs of laundering protective clothing used for the inspection;

(g) sampling and analysis costs incurred in the inspection;

(h) the routine administrative costs of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of staff carrying out the inspection.

(2) Where any of the above factors relate only partly to the inspection in question, only the appropriate percentage of the costs shall be charged.

Sterling equivalents of euro

3.—(1) The sterling equivalent of any amount expressed in this Schedule as a number of euros shall be converted to sterling at the official rate as follows—

(a) before 1st January 2000, at the rate of euro 1 equals £0.668484,

(b) after 31st December 1999, the rate for each subsequent year to 31st December shall be that which is published annually on the first working day of the preceding September in the C Series of the Official Journal of the European Communities.

(2) Any reference in this Schedule to a specified number of euros shall be taken to be a reference to the sterling equivalent of that number calculated under this regulation.

Account period

4.—(1) For the purposes of this Schedule, the account period shall be one month or such longer period not exceeding 12 months as is determined by the district council.

(2) The account period shall be determined with a view to reducing to a reasonable amount, in comparison with the charges which are expected to fall due, the costs of —

(a) making returns; and

(b) collecting charges.

Recovery of charges

5.—(1) Any sum which may be recovered under this Schedule may be recovered as a civil debt.

(2) Where the same duty is imposed by this Schedule on more than one person, the district council may enforce it—

(a) jointly against them, or any two or more of them, or

(b) separately against any one or more of them.

District councils, assessments and appeals

Charges to be paid to district councils

6.—(1) Subject to the following provisions of this paragraph, a sum equal to the amount of any charge which is payable under this Schedule shall be payable to the district council in whose area the obligation to pay it arises.