STATUTORY RULES OF NORTHERN IRELAND

1999 No. 255

FOOD

The Food (Animals and Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 1999

Made - - - -	*4th June 1999*
Coming into operation	*5th June 1999*

Whereas it appears to the Department of Health and Social Services acting as the Department concerned that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health, now therefore the Department concerned, in exercise of the powers conferred on it by Articles 12(1), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animals and Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 1999 and shall come into operation on 5th June 1999.

(2) In this Order—

"the 1991 Order" means the Food Safety (Northern Ireland) Order 1991;

"animal" includes any bird;

"the Commission Decision" means the Commission Decision 1999/363/EC on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption(**2**);

"dairy products" means raw milk, heat treated drinking milk and milk based products as defined by Council Directive 92/46/EEC(**3**) as amended;

"free circulation" shall be construed in accordance with Article 23.2 of the Treaty establishing the European Community;

"member State" means a member State of the European Community other than Belgium or the United Kingdom;

"relevant animal or animal product" means—

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). See Article 2(2) for the definitions of "the Department concerned"
(**2**) O.J. No. L141, 4.6.99
(**3**) O.J. No. L268, 14.9.92, p. 1, to which there are amendment not relevant to this Order

(a) live animals and hatching eggs as referred to in Article 3 of the Commission Decision save for any animal which is not a food source; and

(b) products of Belgium origin covered by Article 1.2 of the Commission Decision save for any product which is not food,

and also includes pork, beef and dairy products of Belgium origin which is derived from an animal reared in Belgium as it includes poultrymeat derived from domestic fowl reared there.

Prohibitions

2.—(1) Subject to paragraph (2) below, no person shall carry out commercial operations with respect to any relevant animal or animal product.

(2) Paragraph (1) above shall not be taken to prohibit the bringing into Northern Ireland from a member State of any relevant animal or animal product in free circulation in that member State.

Enforcement

3.—(1) It shall be the duty of each district council to enforce and execute this Order within its district.

(2) Each district council shall give such assistance and information to the Department as it may request for the purpose of its duties under Article 12 of the 1991 Order.

Application and modification of various provisions of the 1991 Order

4.—(1) Article 8 of the 1991 Order (inspection and seizure of suspected food) shall apply for the purposes of this Order, subject to the following modifications—

(a) paragraphs (1) and (2) shall extend to food and food sources which appear to an authorised officer to come within the definition of "relevant animal or animal product";

(b) paragraphs (3) to (9) thereof shall apply—

(i) to any food or food source falling within sub-paragraph (a) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and

(ii) to any relevant animal or animal product as if it were food which failed to comply with food safety requirements,

save that where a notice under paragraph (3)(a)(i) is given in relation to a food source, the notice is to relate to food which may come to be derived from the food source, that paragraph (6) thereof shall apply in relation to the destruction or disposal of a food source so as to prevent food which may come to be derived from it being used for human consumption, and that a justice of the peace shall decline to condemn food or food sources falling within sub-paragraph (a) above under paragraph (6) thereof if and only if it is proved to him that they do not comprise relevant animals or animal products.

(2) The following provisions of the 1991 Order shall apply for the purposes of this Order and any reference in those provisions to the 1991 Order shall be construed for the purposes of this Order as a reference to this Order—

(a) Article 34 (obstruction etc. of officers); and

(b) Article 36(1) (punishment of offences) in so far as it relates to offences under Article 34 as applied by sub-paragraph (a) above.