STATUTORY RULES OF NORTHERN IRELAND

1999 No. 83

FOOD

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

Made - - - -	*25th February 1999*
Coming into operation—	
Regulations 1 to 3	*12th April 1999*
Regulation 4 and the Schedule—	
in accordance with regulation 1(3)	

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(1) and 48(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf and after consultation in accordance with 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 the 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) Regulations (Northern Ireland) 1999.

(2) Regulations 1 to 3 shall come into operation on 12th April 1999.

(3) Regulation 4 and the Schedule shall come into operation after regulations 1 to 3 on 12th April 1999 or, if later, the first date on which the Commission introduce in accordance with the procedure laid down in Article 12 of the Council Directive 91/492/EEC(**2**) a standard registration document within the meaning of Council Directive 97/61/EC(**3**).

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

(**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**) O.J. No. L268, 24.9.91, p. 1; Council Directive 91/492/EEC was last amended by Council Directive 97/61/EEC, O.J. No. L295, 29.10.97, p. 35
(**3**) O.J. No. L295, 29.10.97, p. 35
(**4**) S.R. 1998 No. 207

Amendment of regulation 2(1) of the principal Regulations

2.—(1) In regulation 2(1) (interpretation) of the principal Regulations—

(a) in the definition of "movement document", for "paragraph 6(4) and (5)" in paragraphs (a) and (c) of the definition there shall be substituted in both places "paragraphs 6(4) and 6A";

(b) in the definition of "permanent transport authorisation", in paragraph (a), for "paragraph 6(8) of Chapter II" there shall be substituted "paragraph 6A(8) of Chapter II".

Amendment of Schedule 2 to the principal Regulations

3.—(1) Schedule 2 (production and placing on the market; conditions for live shellfish) to the principal Regulations shall be amended in accordance with the following paragraphs.

(2) In Chapter II (requirements for harvesting and transportation of batches to a dispatch or purification centre, relaying area or processing plant)—

(a) paragraph 6(1) to (3) and (5) to (8) shall be deleted;

(b) in paragraph 6(4) (live shellfish movement document form)—

(i) after "location of production area" there shall be inserted "described in as precise detail as practicable";

(ii) at the end of the box for the signature of the gatherer there shall be inserted "Date of Signature"; and

(iii) in the REMINDER, for "not less than 60 days" there shall be substituted "not less than 12 months and the gatherer is to keep a copy for the same period.";

(c) the following paragraph shall be inserted after paragraph 6—

"**6A.**—(1) A movement document for the identification of batches of live shellfish during transport from the production area to a dispatch centre, purification centre, relaying area or processing plant shall be issued by the district council at the request of the gatherer.

(2) The gatherer shall ensure that the completed movement document accompanies each batches at all times.

(3) If a batch in respect of which a movement document has been issued is split for any reason, the person having control of the original batch at the time of the splitting shall ensure that the information accompanying the original batch accompanies each sub-batch in the same form as the movement document together with the full name and address of the person splitting the batch.

(4) Subject to paragraph (8), for each batch of live shellfish which are transported from the production area to a dispatch centre, purification centre, relaying area or processing plant—

(a) the gatherer must complete legibly and indelibly the relevant sections of the movement document with the following information—

(i) the gatherer's name and address;

(ii) the date of harvesting;

(iii) the location of the production area described in as precise detail as is practable;

(iv) if the movement document relates to live bivalve molluscs, the class of the production area as referred to in Chapter I;

(v) the shellfish species and quantity indicated in as precise detail as is practicable;

(vi) the place of destination for wrapping, relaying, purification or processing and, where applicable, the approval number; and

(b) the movement document must be dated and signed by the gatherer.

(5) Movement documents must be numbered regularly and in sequence and the district council must keep a register which indicates the numbers of the movement document together with the names of the persons to whom they were issued.

(6) Subject to paragraph (8), the person receiving a movement document for a batch of live shellfish shall put on it the date on which it is received by, as the case may be, a dispatch centre, purification centre, relaying area or processing plant and he shall keep it available for inspection for at least 12 months.

(7) The gatherer shall keep a copy of each such movement document for at least 12 months.

(8) However, if gathering is or is to be carried out by a person employed by the person who operates the dispatch centre, purification centre, relaying area or processing plant of destination, the district council may, if satisfied that the gatherer will comply with the requirements of Part II concerning gathering and handling, issue to the gatherer a permanent transport authorisation (which may be withdrawn at any time) absolving the gatherer from the requirement to use movement documents for transfers from a production area specified in that authorisation to a dispatch centre, purification centre, relaying area or processing plant specified in that authorisation.".

(3) In Chapter III (conditions for relaying live bivalve molluscs), in paragraph 9 for "the movement document referred to in paragraph 6 of Chapter II," there shall be substituted "a movement document which, in addition to the other information required to be set out in it, includes information on the location of the relaying area and the duration of relaying, together with any other information needed to identify and trace the product,".

(4) In Chapter IV, Section III (requirements for purification centres), in paragraph 13 after "provide a movement document" there shall be inserted "(which, in addition to the other information required to be set out in it, sets out the approval number and address of the purification centre and the duration of purification, the dates of entering and leaving the purification centre, together with any other information needed to identify and trace the product)".

(5) In Chapter IV, Section IV (requirements for dispatch centres)—

(a) in paragraph 2, for "the movement document referred to in paragraph 6 of Chapter II," there shall be substituted "a movement document";

(b) the following paragraph shall be substituted for paragraph 4—

"**4.** Dispatch centres must keep the following at the disposal of the district council—

— the results of microbiological tests on live bivalve molluscs from an approved production area or relaying area or from a purification plant;

— the dates and quantities of live shellfish delivered to the dispatch centre, together with the corresponding movement documents;

— dispatch details including the names and addresses of consignees, the dates and quantities of live shellfish dispatched, together with the corresponding entry movement document numbers;

and they must be classified chronologically and preserved for a period to be laid down by the district council, but not less than 12 months.".