1995 No. 360

FOOD

Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995

Made . . . . . *12th September 1995*

Coming into operation . . *23rd October 1995*

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Interpretation
3. Application of provisions of these Regulations
4. Obligations upon proprietors of food businesses
5. Persons suffering from certain medical conditions
6. Offences and penalties
7. Application of provisions of the Order
8. Enforcement and execution
9. Amendments to other Regulations
10. Revocations

SCHEDULES

1. Rules of hygiene
Chapter I — General requirements for food premises
Chapter II — Specific requirements in rooms where foodstuffs are prepared, treated or processed
Chapter III — Requirements for movable and/or temporary premises
Chapter IV — Transport
Chapter V — Equipment requirements
Chapter VI — Food waste
Chapter VII — Water supply
Chapter VIII — Personal hygiene
Chapter IX — Provisions applicable to foodstuffs
Chapter X — Training
2. Amendments to other Regulations
3. Revocations

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and being a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) 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 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 these Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Food Safety (General Food Hygiene) Regulations (Northern Ireland) 1995 and shall come into operation on 23rd October 1995.

Interpretation

2.—(1) In these Regulations —

"the Directive" means Council Directive 93/43/EEC of 14th June 1993 on the hygiene of foodstuffs(**d**);

"food business" means any undertaking, whether carried on for profit or not and whether public or private, carrying out any or all of the following operations, namely, preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply, of food;

"hygiene" means all measures necessary to ensure the safety and wholesomeness of food during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer;

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

"potable water" means water which at the time of supply is or was not likely in a given case to affect adversely the wholesomeness of a particular foodstuff in its finished form, and which is or was either —

(*a*) of the quality demanded in order for it to be regarded as wholesome for the purposes of Articles 3A to 3F of the Water and Sewerage Services (Northern Ireland) Order 1973(**e**), or

(*b*) not of that quality, but the water is or was derived from a private supply in relation to which a private supply notice has been served

(a) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"
(b) S.I. 1972/1811
(c) 1972 c. 68
(d) O.J. No. L175, 19.7.93, p. 1
(e) S.I. 1973/70 (N.I. 2) as amended by the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993 (S.I.1993/3165 (N.I. 16)); *see* the definition of "wholesome" in Article 2(2) of that Order, the Water Quality Regulations (Northern Ireland) 1994 (S.R. 1994 No. 221) and the Private Water Supplies Regulations (Northern Ireland) 1994 (S.R. 1994 No. 237) which are all relevant to the meaning of "wholesome" in this context

or the option of a private supply notice has been considered and rejected by the Department of the Environment in relation to that private supply,

unless since the time of supply the quality of the water has deteriorated in a way which, in a given case, has adversely affected or is likely to affect adversely the wholesomeness of a particular foodstuff in its finished form;

"primary production" includes harvesting, slaughter and milking;

"private supply" has the same meaning as in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 1973;

"private supply notice" means a notice under Article 3E of the Water and Sewerage Services (Northern Ireland) Order 1973;

"public supply" means a supply of water which is not a private supply;

"water" includes water in any form, but does not include water which is—

(*a*) recognised as a natural mineral water under the Natural Mineral Water Regulations (Northern Ireland) 1985(**a**);

(*b*) a medicinal product within the meaning of the Medicines Act 1968(**b**) ("the 1968 Act") or is a product in respect of which any provision of the 1968 Act has effect in relation to it as if it were a medicinal product within the meaning of the 1968 Act(**c**); or

(*c*) drinking water within the meaning of the Drinking Water in Containers Regulations (Northern Ireland) 1994(**d**);

"wholesomeness" means, in relation to food, its fitness for human consumption so far as hygiene is concerned,

and any other words and expressions used both in these Regulations and in the Directive shall have the same meaning in these Regulations as they have in the Directive.

(2) In determining for the purposes of these Regulations whether any matter involves a risk to food safety or wholesomeness, regard shall be had to the nature of the food, the manner in which it is handled and packed, any process to which the food is subjected before supply to the consumer, and the conditions under which it is displayed or stored.

(3) In Schedule 1, "where appropriate" and "where necessary" mean where appropriate and where necessary respectively for the purposes of ensuring the safety and wholesomeness of food.

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

Application of provisions of these Regulations

3.—(1) Subject to paragraphs (3) and (4), regulations 4 and 5 shall apply to neither—

(**a**) S.R. 1985 No. 120; to which there are amendments not relevant to these Regulations
(**b**) 1968 c. 67
(**c**) *See* sections 104 and 105 of the Medicines Act 1968, and regulation 9(9) of the Medicines for Human Use (Marketing Authorisations etc) Regulations 1994 (S.I. 1994/3144)
(**d**) S.R. 1994 No. 185
(**e**) 1954 c. 33 (N.I.)

(*a*) primary production; nor

(*b*) a person carrying on any activity which is regulated by or under any of the Regulations listed in paragraph (2), but only with respect to the carrying on of that activity.

(2) The Regulations referred to in paragraph (1)(*b*) are—

(*a*) the Food Safety (Fishery Products) (Derogations) Regulations (Northern Ireland) 1992(**a**);

(*b*) the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations (Northern Ireland) 1992(**b**);

(*c*) the Food Safety (Fishery Products) Regulations (Northern Ireland) 1993(**c**);

(*d*) the Food Safety (Live Bivalve Molluscs and other Shellfish) Regulations (Northern Ireland) 1993(**d**);

(*e*) the Food Safety (Fishery Products on Fishing Vessels) Regulations (Northern Ireland) 1993(**e**);

(*f*) the Egg Products Regulations (Northern Ireland) 1993(**f**);

(*g*) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1994(**g**);

(*h*) the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995(**h**).

(3) Notwithstanding paragraph (1)(*b*), the provisions of paragraph 1 of Chapter VII of Schedule 1 and of regulation 4(2)(*d*) in so far as it relates to that paragraph of that Chapter shall apply to a proprietor of a food business unless—

(*a*) he is carrying on an activity which relates to a particular stage in the production of a product and a provision in any of the Regulations listed in paragraph (2) imposes a further or alternative requirement in relation to the supply and use of potable water in connection with that stage in the production of that product; or

(*b*) he is carrying out commercial operations on board a fishing vessel.

(4) Notwithstanding paragraph (1)(*b*), the provisions of Chapter X of Schedule 1 and of regulation 4(2)(*d*) in so far as it relates to that Chapter shall apply to a proprietor of a food business, unless a provision in any of the Regulations listed in paragraph (2) imposes a further or alternative requirement in relation to the instruction or training of food handlers.

Obligations upon proprietors of food businesses

4.—(1) A proprietor of a food business shall ensure that any of the following operations, namely, the preparation, processing, manufacturing,

(**a**) S.R. 1992 No. 296
(**b**) S.R. 1992 No. 295
(**c**) S.R. 1993 No. 51
(**d**) S.R. 1993 No. 52
(**e**) S.R. 1993 No. 53
(**f**) S.R. 1993 No. 329
(**g**) S.R. 1994 No. 346
(**h**) S.R. 1995 No. 201

packaging, storing, transportation, distribution, handling and offering for sale or supply, of food are carried out in a hygienic way.

(2) A proprietor of a food business shall ensure that—

(*a*) the requirements set out in Chapter I of Schedule 1 are complied with as respects any food premises used for the purposes of that business;

(*b*) the requirements set out in Chapter II of Schedule 1 are complied with as respects any room where food is prepared, treated or processed in the course of the activities of that business, other than dining areas and premises covered by Chapter III of Schedule 1;

(*c*) the requirements set out in Chapter III of Schedule 1 are complied with as respects any of the following used for the purposes of that business—

(i) movable or temporary premises (such as marquees, market stalls and mobile sales vehicles),

(ii) premises used primarily as a private dwelling house,

(iii) premises used occasionally for catering purposes, and

(iv) vending machines; and

(*d*) the requirements set out in Chapters IV to X of Schedule 1 are complied with as respects that business.

(3) A proprietor of a food business shall identify any step in the activities of the food business which is critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of the following principles—

(*a*) analysis of the potential food hazards in a food business operation;

(*b*) identification of the points in those operations where food hazards may occur;

(*c*) deciding which of the points identified are critical to ensuring food safety ("critical points");

(*d*) identification and implementation of effective control and monitoring procedures at those critical points; and

(*e*) review of the analysis of food hazards, the critical control points and the control and monitoring procedures periodically, and whenever the food business's operations change.

Persons suffering from certain medical conditions

5.—(1) Subject to paragraph (2), a person working in a food handling area who—

(*a*) knows or suspects that he is suffering from or that he is a carrier of a disease likely to be transmitted through food; or

(*b*) is afflicted with an infected wound, a skin infection, sores, diarrhoea or with any analogous medical condition,

in circumstances where there is any likelihood of him directly or indirectly contaminating any food with pathogenic micro-organisms, shall report that