1992 No. 167

FOOD

The Food Premises (Registration) Regulations (Northern Ireland) 1992

Made . . . . . 27th March 1992

Coming into operation in accordance with regulation 1(1)
for certain purposes *1st May 1992*
for all other purposes *1st August 1992*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*f*), 18(1)(*a*), 25(2)(*a*), (*b*) and (*c*) and (3), 26(3), 44(1) and (3), 47(2) and 48(2) of the Food Safety (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that 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 Premises (Registration) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

(*a*) all provisions other than regulations 2, 3, 5(4) and (5), 7 and 8(1), (2), (3), (4) and (8) on 1st May 1992, and

(*b*) regulations 2, 3, 5(4) and (5), 7 and 8(1), (2), (3), (4) and (8) on 1st August 1992.

(2) In these Regulations—

"Crown premises" means premises held or used by or on behalf of the Crown;

"domestic premises" means a dwelling house or other building used principally, but not exclusively, as a dwelling, and its curtilage;

"market" shall be construed generally and not as limited to a market held by virtue of a grant from the Crown or of prescription or under statutory authority and "controller of the market" means, in relation to a market provided by a district council, that council, and in any other case, the person by whose authority premises are used within the area of the market;

(a) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

"moveable premises" means premises other than permanent premises, and "relevant moveable premises" means moveable premises used for the transport or preparation of food or the retail sale of food on five or more days, whether consecutive or not, in any period of five consecutive weeks, other than—

(*a*) motor vehicles which are constructed solely for the purpose of carrying no more than 8 passengers (including the driver) and their personal effects,

(*b*) tents, or

(*c*) moveable premises which are ordinarily kept outside Northern Ireland;

"non-retail sale" means sale otherwise than to the ultimate consumer;

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

"permanent premises" means any land or building;

"the register" means the register kept under regulation 5;

"registered" means registered in the register;

"registration authority" means a district council which is required by regulation 9 to enforce these Regulations;

"relevant registration authority" means, in relation to any premises, the district council in whose district the premises are situated;

"retail sale" means sale to the ultimate consumer;

"sale" shall be construed in accordance with Articles 2(4) and 3 of the Order, and as including possession, offer or exposure for sale, and consigning, delivering and serving by way of sale;

"supplementary record" means the record kept under regulation 6(1);

"supply" means, in relation to any food, to give it away in the course of any trade or business, and the possession, preparation, storage, offer or exposure of food for such supply and serving by way of such supply;

"tents" includes marquees, awnings and similar structures but does not include stalls;

"ultimate consumer" has the meaning assigned to it by regulation 2(1) of the Food Labelling Regulations (Northern Ireland) 1984(**a**);

"voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any body exercising the functions of a government department or district council.

(3) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954(**b**) the making of applications and the giving or serving of documents under these Regulations may be effected by ordinary post.

(**a**) S.R. 1984 No. 407, to which there are amendments not relevant to these Regulations
(**b**) 1954 c. 33 (N.I.)

Prohibition on use of premises for a food business

2.—(1) Subject to paragraphs (3), (4) and (5) and to regulation 3, no person shall use any premises for the purposes of a food business on five or more days, whether consecutive or not, in any period of five consecutive weeks unless—

(*a*) those premises are registered;

(*b*) those premises, though not registered, are required by virtue of paragraph (3), (4) or (5) or regulation 4(2) to be registered on the application of some other person; or

(*c*) an application for those premises to be registered has been made in accordance with regulation 4 to the relevant registration authority at least 28 days before the first day of such use.

(2) Subject to paragraphs (3), (4) and (5) and to regulation 3, premises shall not be used for the purposes of two or more food businesses, whether carried on by the same or by different persons, on five or more days, whether consecutive or not, in any period of five consecutive weeks unless—

(*a*) those premises are registered; or

(*b*) an application for those premises to be registered has been made in accordance with regulation 4 to the relevant registration authority at least 28 days before the first day of such use.

(3) Schedule 1 shall have effect for the purposes of determining requirements for registration where relevant moveable premises are used for the purposes of a food business within the area of a market.

(4) Schedule 2 shall have effect for the purposes of determining requirements for registration where a set of permanent premises is included in another set of permanent premises.

(5) Schedule 3 shall have effect for the purposes of determining the requirements for registration where moveable premises are used for the purposes of a food business, other than where relevant moveable premises are used within the area of a market.

Exceptions

3.—(1) Regulation 2 does not apply to premises at which the only commercial operations carried out in relation to food or food sources are one or more of the following—

(*a*) killing game (including deer) for food by way of sport or the non-retail sale of food from game killed there;

(*b*) taking fish for food or the non-retail sale of food from fish taken there;

(*c*) harvesting food in the course of horticulture, viticulture or arable farming, or—

(i) the cleaning of food harvested there,

(ii) the storage of food harvested there,

(iii) the packaging of food harvested there except in a form in which the food is to be sold by retail,

(iv) the non-retail sale of food harvested there;

(*d*) collecting honey from bees;

(*e*) the production or packing of eggs or the non-retail sale of eggs produced or packed there;

(*f*) the retail sale of food by means of an automatic vending machine on those premises;

(*g*) the supply of beverages, or of biscuits, potato crisps, confectionery or other similar products, ancillary to a business whose principal activity is not the sale of food;

(*h*) the supply of food in the course of a religious ceremony.

(2) Regulation 2 also does not apply to premises used only—

(*a*) as a liquid milk plant or dairy farm in respect of which a licence is required under regulation 2C of the Milk Regulations (Northern Ireland) 1987(**a**);

(*b*) as milk products premises in respect of which a licence is required under section 1 of the Milk Products Act (Northern Ireland) 1958(**b**);

(*c*) as a slaughterhouse in respect of which a licence is required under section 1 of the Slaughter-houses Act (Northern Ireland) 1953(**c**);

(*d*) as a slaughterhouse or cutting premises in respect of which a licence has been granted under regulation 13 of the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977(**d**);

(*e*) as export cutting premises or an export cold store approved in accordance with Article 10 of Council Directive 64/433/EEC, as replaced by the Annex to Council Directive 91/497/EEC(**e**); or

(*f*) as an establishment preparing meat products for export to another Member State of the European Economic Community approved in accordance with Article 7 of Council Directive 77/99/EEC(**f**) as amended by Council Directive 88/658/EEC(**g**).

(3) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to—

(*a*) premises controlled by a voluntary organisation or the trustees of a charity and used only for the purposes of such organisation or charity, where no food (other than dry ingredients for the preparation of beverages, sugar, biscuits, potato crisps or other similar dry products) is stored for sale;

(*b*) premises at which—

(i) no food intended for sale for human consumption is present, and

(ii) no relevant moveable premises are ordinarily kept;

(**a**) S.R. 1987 No. 229; the relevant amending Regulations are S.R. 1991 No. 203
(**b**) 1958 c. 31 (N.I.)
(**c**) 1953 c. 21 (N.I.)
(**d**) S.R. 1977 No. 165; to which there are amendments not relevant to these Regulations
(**e**) O.J. No. L268, 24.9.91, p. 69
(**f**) O.J. No. L26, 31.1.77, p. 84
(**g**) O.J. No. L382, 31.12.88, p. 15

(*c*) premises where food is—

(i) stored for sale, or

(ii) prepared for sale,

and it is intended, when the food first enters those premises, that its sale is to take place only in the event of an emergency or disaster;

(*d*) premises in respect of which a certificate under Article 49(4) of the Order has been issued by the Secretary of State.

(4) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to domestic premises used for the purposes of a food business if—

(*a*) the proprietor of the business does not reside there, and the business does not consist of or include the peeling of shrimps or prawns;

(*b*) the proprietor of the business does reside there, but the only commercial operations carried out there in relation to food or food sources are—

(i) the sale of food ancillary to the provision of accommodation in not more than three bedrooms, or

(ii) the sale, or preparation for sale of honey (wherever collected), or of horticultural or viticultural produce harvested on the premises.

Applications for registration

4.—(1) An application for premises to be registered as required by regulation 2(1) shall be made in writing to the relevant registration authority by the proprietor of the food business for the purposes of which the premises are being or are to be used.

(2) An application for premises to be registered as required by regulation 2(2) shall be made in writing to the relevant registration authority by the person who permits the premises to be used for the purposes of a food business on five or more days (whether consecutive or not) in any five consecutive weeks.

(3) An application for premises to be registered as required by paragraph 5 of Schedule 3 shall be made in writing to the relevant registration authority by the proprietor of the food business for the purposes of which the premises are being or are to be used because of the ordinary keeping there of relevant moveable premises.

(4) The form of application for the purposes of paragraph (1) or paragraph (3) is hereby prescribed as being that set out in Schedule 4 and the application shall contain the particulars required by that form, and shall be signed by or on behalf of the person making it.

(5) An application for the purposes of paragraph (2) shall contain the same particulars as are required by paragraphs 1, 3, 5, 8 and 9 of the form referred to in paragraph (4), and shall be signed by or on behalf of the person making it.

(6) Subject to paragraph (7), upon receipt of an application made in accordance with such of the preceding paragraphs of this regulation as apply to it the registration authority shall, unless the premises are already registered, register the premises within 28 days.