1991 No. 475

FOOD

The Imported Food Regulations (Northern Ireland) 1991

Made . . . . . *23rd October 1991*
Coming into operation . . *4th November 1991*

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation, commencement and interpretation
2. Enforcement authorities
3. Deferred examination

PART II

ALL IMPORTED FOOD

4. Prohibition on importation of unfit food
5. Examination of imported food
6. Special examination
7. Consent of officer of Customs and Excise
8. Powers of officer of Customs and Excise

PART III

MEAT AND MEAT PRODUCTS

9. Interpretation and application of Part III
10. Requirements as to health marks etc. for imported meat
11. Requirements as to health certificates
12. Lost, damaged or defective health marks and certificates
13. Disposal of meat imported contrary to the regulations
14. Powers of a justice of the peace
15. Prohibition on the importation of meat required to be exported

PART IV

GENERAL

16. Record to be kept of food destroyed
17. Offences and penalties
18. Time limits for prosecutions
19. Court may include a justice who has examined the food
20. Compensation
21. Application of various provisions of the Order
22. Revocation

SCHEDULES

Schedule 1. Articles of food to which Part III does not apply.
Schedule 2. Meat products which are exempt from the requirements of regulation 12.
Schedule 3. Requirements as to health marks for imported meat.
Schedule 4. Requirements as to wrapping, packaging and transport of imported meat.
Schedule 5. Meat or poultry meat in respect of which specific recognition is required.
Schedule 6. Health certificate for fresh meat for consignment to a member state of the EEC.
Schedule 7. Public health certificate for fresh meat.
Schedule 8. Health certificate for meat products intended for consignment to a member state of the EEC.
Schedule 9. Health certificate for meat products intended for consignment to the United Kingdom.
Schedule 10. Health certificate for fresh poultry meat intended for consignment to a member state of the EEC.
Schedule 11. Label to be affixed to large packages of poultry meat intended for a certain destination.

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 15, 16 and 26(3) of, and Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**a**) and, being a designated Department(**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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf and after

(**a**) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "Department concerned"
(**b**) Designated by S.I. 1972/1811
(**c**) 1972 c. 68

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:

PART I

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Imported Food Regulations (Northern Ireland) 1991 and shall come into operation on 4th November 1991.

(2) In these regulations—

"authorised officer" means an authorised officer of an enforcing authority;

"competent authority" means an authority having power under the laws in force in any country to examine food and to certify as to its fitness for human consumption;

"the Department" means the Department of Health and Social Services;

"district" means the district of a district council, and includes the waters of any customs port abutting on any part of the district;

"district council" means a district council within the meaning of the Local Government Act (Northern Ireland) 1972(**a**);

"enforcing authority" means the authority responsible for the enforcement and execution of these regulations under regulation 2;

"food" has the meaning given to it by Article 2(2) of the Order, but for the purposes of these Regulations does not include milk;

"fresh meat" means the flesh or other edible parts of a mammal or bird, which has not been subjected to any treatment or process other than chilling, freezing, vacuum packing or packing in a controlled atmosphere and includes minced, chopped or mechanically recovered meat, and meat treated by the addition of seasonings;

"hovercraft" has the meaning assigned to it by section 4(1) of the Hovercraft Act 1968(**b**);

"importer", in relation to imported food, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the food or in any way entitled to the custody or control of it;

"milk" has the meaning given to it in the Importation of Milk Regulations (Northern Ireland) 1983(**c**);

(**a**) 1972 c. 9 (N.I.)
(**b**) 1968 c. 59
(**c**) S.R. 1983 No. 338

"master", in relation to a ship, aircraft or hovercraft, includes the officer or any other person for the time being in charge or command of the ship, aircraft or hovercraft;

"officer of Customs and Excise" includes any person acting under the authority of the Commissioners of Customs and Excise;

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

Enforcement authorities

2. Subject to the provisions of regulation 3 and to such of the provisions of these regulations as prescribe functions to be exercised by officers of Customs and Excise, the authority responsible for the enforcement of these regulations shall be,—

(*a*) in relation to imported food which is in, or unloaded in, a district, and—

(i) which is liable to immediate customs examination, the district council for that district,

(ii) where the customs examination is deferred until the food reaches a place of destination in Northern Ireland, the district council in whose district the place of destination lies,

(iii) where the customs examination is deferred until the food reaches a specified place in Northern Ireland, but the place of destination of the food lies elsewhere in Northern Ireland or in England, Wales or Scotland, the district council in whose district the specified place lies;

(*b*) in relation to imported food which enters the United Kingdom in England, Wales or Scotland, the district council in whose district the food is deposited for customs examinations.

Deferred examination

3.—(1) Where imported food is unloaded in a district, and—

(*a*) customs examination of the food has been completed; and

(*b*) an authorised officer of the district council for that district nevertheless considers it expedient (having regard to the nature of the container in which the food is imported) that—

(i) any examination of the food for the purposes of these regulations should be deferred until the food reaches a specified place of destination elsewhere in Northern Ireland, or

(ii) any examination of the food should take place under England and Wales or Scotland regulations when the food reaches a specified place of destination in England, Wales or Scotland; and

(*c*) the importer gives to the district council in whose district the port, airport or other place of entry is situated an undertaking in writing that the container has been sealed and will not be opened until it reaches the place of destination specified in the undertaking,

the authorised officer shall, by the most expeditious means available, notify the receiving authority that the food (so described as to enable it to be

identified) has not, by reason of the matters referred to in sub-paragraph (*b*), been examined under these regulations at the port, airport or other place of entry and send them a copy of the undertaking referred to in sub-paragraph (*c*); and where the receiving authority are a district council within the meaning of these regulations that district council shall thereupon become responsible for the execution and enforcement of these regulations in relation to that food.

(2) Where under any provision corresponding to paragraph (2) contained in England and Wales or Scotland regulations a district council receive notification that imported food which has not been examined under those regulations has been or is being sent to a place of destination in their district, they shall thereupon become responsible for the execution and enforcement of these regulations in relation to that food.

(3) Where imported food is in, or unloaded in, a district and customs examination is deferred until the food reaches a place of destination elsewhere in the United Kingdom, the district council shall so inform the receiving authority.

(4) In this regulation—

"England and Wales or Scotland regulations" means regulations with respect to imported food in force in England and Wales or Scotland, as the case may be;

"receiving authority" means an authority within the United Kingdom in whose district is situated the place of destination of any imported food, being an authority with enforcement functions under these regulations or the England and Wales or Scotland regulations, namely—

(*a*) where that place is in England, Wales or Scotland, a food authority within the meaning of the Food Safety Act 1990;

(*b*) where that place is in Northern Ireland, a district council.

PART II

ALL IMPORTED FOOD

Prohibition on importation of unfit food

4. A person shall not import into Northern Ireland any food intended for sale for human consumption—

(*a*) which has been rendered injurious to health by means of any operation described in Article 6 of the Order;

(*b*) which has been examined by a competent authority and found at the time of examination not to be fit for human consumption;

(*c*) which is otherwise unfit for human consumption or is unsound or unwholesome; or

(*d*) in the preparation of which any such food as aforesaid has been used.

Examination of imported food

5.—(1) An authorised officer may at all reasonable times examine any food intended for sale for human consumption which is imported into