1991 No. 214

FOOD

The Food Safety (Improvement and Prohibition — Prescribed Forms) Regulations (Northern Ireland) 1991

Made	*21st May 1991*
Coming into operation	*17th June 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Article 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 Safety (Improvement and Prohibition — Prescribed Forms) Regulations (Northern Ireland) 1991 and shall come into operation on 17th June 1991.

(2) In these Regulations "the Order" means the Food Safety (Northern Ireland) Order 1991.

Forms prescribed for certain purposes

2. The form of a document used for the purposes of the Order and referred to in a numbered paragraph in the table of contents in Part I of the Schedule is hereby prescribed as being that set out in the correspondingly numbered form in Part II of the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 21st May 1991.

(L.S.) *J. Scott*
Assistant Secretary

(**a**) S.I. 1991/762 (N.I. 7)

SCHEDULE Regulation 2

FORMS

PART I

TABLE OF CONTENTS

1. Notice served by an authorised officer under Article 9(1) of the Order ("improvement notice").

2. Notice served by an authorised officer under Article 11(1) of the Order (''emergency prohibition notice'').

3. Notice given under Article 11(3) of the Order by an authorised officer of his intention to apply for an emergency prohibition order (''notice of intention to apply for an emergency prohibition order'').

4. Certificate issued by the authority responsible for enforcement under Article 10(6)(*a*) or Article 11(8) of the Order that they are satisfied that the proprietor of a food business has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business (''certificate that there is no longer a risk to health'').

5. Notice given by the authority responsible for enforcement under Article 10(7)(*b*) or Article 11(9)(*b*) of the Order that they are not satisfied that the proprietor of a food business has taken sufficient measures to secure that the health risk condition is fulfilled with respect to the business (''notice of continuing risk to health'').

PART II

(1): ..... FORM 1

Food Safety (Northern Ireland) Order 1991 — Article 9

IMPROVEMENT NOTICE

Reference Number .....

1. To: ..... (Proprietor of the food business)
   At: .....
   .....
   ..... (Address of proprietor)

2. In my opinion the:
   .....
   .....
   [Authorised officer to insert matters which do not comply with the Regulations] in connection with your food business .....
   ..... (Name of business)
   at .....
   ..... (Address of business)
   do/does* not meet the requirements of .....
   of the ..... Regulations
   because:
   .....
   .....
   [*Authorised officer to delete as appropriate]

3. In my opinion, the following measures are needed for you to comply with these Regulations: .....
   .....
   .....

4. These measures or measures that will achieve the same effect must be taken by:
   ..... (Date)

5. *It is an offence not to comply with this improvement notice by the date stated.*

Signed: ..... Authorised Officer

Name of (1): ..... Date: .....

Address: .....

.....

Tel: ..... Fax: .....

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement

NOTES

1. In the opinion of the authorised officer you are not complying with the Regulations under Part II of the Food Safety (Northern Ireland) Order 1991 described in paragraph 2 of the notice. The work needed in the authorised officer's opinion to put matters right is described and it must be finished by the date set.

2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.

3. *You have a right to carry out work that will achieve the same effect as that described in the notice.* If you think that there is another equally effective way of complying with the law, you should first discuss it with the authorised officer.

YOUR RIGHT OF APPEAL

4. If you disagree with all or part of this notice, you can appeal to a court of summary jurisdiction. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.

5. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. *However, if you are not complying with the Regulations mentioned in the notice, you may still be prosecuted for failure to comply with those Regulations.*

6. When the appeal is heard, the court may confirm, cancel or vary the notice.

WARNING

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

(1): ..... FORM 2

Food Safety (Northern Ireland) Order 1991 — Article 11

EMERGENCY PROHIBITION NOTICE

Reference Number .....

1. To: ..... (Proprietor of the food business)
   At: .....
   ..... (Address of proprietor)

2.* I am satisfied that: .....
   .....
   .....
   at .....
   ..... (Address of business)

   POSES AN IMMINENT RISK OF INJURY TO HEALTH because:
   .....
   .....
   .....

(*See Note 1 overleaf)

3. *YOU MUST NOT USE IT FOR THE PURPOSES OF THIS/ANY/THIS OR ANY SIMILAR* FOOD BUSINESS.*

   [*Authorised officer to delete as appropriate]

   Signed: ..... Authorised Officer

   Name of (1): ..... Date: .....

   Address: .....
   .....

   Tel: ..... Fax: .....

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

(1) Insert name of authority responsible for enforcement