1991 No. 203

FOOD

The Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991

Made	*13th May 1991*
Coming into operation . .	*21st May 1991*

The Department of Health and Social Services and the Department of Agriculture, being the Department concerned(**a**), in exercise of the powers conferred by Article 51(2) of the Food Safety (Northern Ireland) Order 1991(**b**) and of all other powers enabling them in that behalf, hereby make the following order:

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(**a**) The Department concerned — *see* Article 2(2) of the Order
(**b**) S.I. 1991/762 (N.I. 7)

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5. Application of Articles 2(4) and (6), 3, 4, 19, 20, 21, 30(8) and 34 of the Order
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PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation, commencement and interpretation

1.—(1) This order may be cited as the Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991 and shall come into operation on 21st May 1991.

(2) In this order, "the Order" means the Food Safety (Northern Ireland) Order 1991.

PART II

MODIFICATIONS RELATING TO "THE ACT", "THE ORDER" AND "FOOD"

Definition of "the Act" or "the Order"

2.—(1) In the provisions of the Regulations specified in column 3 of Part I of Schedule 1 for the definition of "the Act" or "the Order" there shall be substituted the following definition—

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

(2) In the provisions of the Regulations specified in column 3 of Part II of Schedule 1 there shall be inserted at the appropriate place the following definition—

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

(3) In regulation 3(2)(*d*) of the Arsenic in Food Regulations (Northern Ireland) 1961(**a**) for "the Food and Drugs Act (Northern Ireland) 1958" there shall be substituted "the Order".

Definition of "food"

3. In the provisions of the Regulations specified in Schedule 2 the definition of "food" shall cease to have effect.

(a) S.R. & O. (N.I.) 1961 No. 98; the relevant amending Regulations are S.R. & O. (N.I.) 1973 No. 197

PART III

GENERAL AMENDMENTS

Deletion of requirement to give notice of intention to prosecute

4. The provisions of the Regulations specified in column 3 of Schedule 4 shall cease to have effect.

Amendment of the Food Hygiene (General) Regulations (Northern Ireland) 1964

5. For regulation 3(2)(*f*) of the Food Hygiene (General) Regulations (Northern Ireland) 1964(**a**) (exclusions from definition of "food business") there shall be substituted—

"(*f*) any liquid milk plant or dairy farm within the meaning of Article 2(2) of the Order from which no food other than liquid milk is sold;".

Amendment of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977

6. For regulation 9A of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(**b**) there shall be substituted—

"9A. In relation to the sampling for analysis of condensed milk products and dried milk products the powers of an authorised officer under Article 29 of the Order and the duties of such an officer under any Regulations made under the Order shall be exercised and performed in accordance with the methods laid down in the Annex to First Commission Directive 86/424/EEC(**c**).".

Amendment of the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982

7. The Poultry Meat (Water Content) Regulations (Northern Ireland) 1982(**d**) shall be amended as follows—

(*a*) in regulation 4(1)(*e*) for "section 34(1) of the Act" there shall be substituted "Article 30(1) of the Order";

(*b*) in regulation 7(4) for "section 35 of the Act (which contains provisions as to samples taken for analysis)" there shall be substituted "Article 30 of the Order (which contains provisions as to samples taken for analysis) and regulations made under Article 32 of the Order,";

(*c*) in regulation 8(6)(*a*) for "Food and Drugs Act 1955 and the Food and Drugs (Scotland) Act 1956" there shall be substituted "Food Safety Act 1990".

(**a**) S.R. & O. (N.I.) 1964 No. 129
(**b**) S.R. 1977 No. 196; the relevant amending Regulations are S.R. 1989 No. 430
(**c**) O.J. L243, 28.8.86, p. 29
(**d**) S.R. 1982 No. 386

Amendment of the Natural Mineral Waters Regulations (Northern Ireland) 1985

8. The Natural Mineral Waters Regulations (Northern Ireland) 1985(**a**) shall be amended as follows—

(*a*) in regulation 2(1), in the definition of ''public analyst'', for ''section 31 of the Food and Drugs Act (Northern Ireland) 1958'' there shall be substituted ''Article 27(1) to (5) of the Food Safety (Northern Ireland) Order 1991'';

(*b*) for regulation 25 there shall be substituted the following regulation—

''*Defences*

25. The following provisions of the Food Safety (Northern Ireland) Order 1991 shall apply for the purposes of these Regulations as they apply for the purposes of Article 7, 13 or 14 of that Order and any references in them to that Order shall be construed as a reference to these Regulations—

Article 20 (defence of due diligence); and

Article 21 (defence of publication in the course of business).'';

(*c*) regulation 26 and paragraph (*a*) of regulation 27 shall cease to have effect.

Amendment of the Caseins and Caseinates Regulations (Northern Ireland) 1986

9. For regulation 6A of the Caseins and Caseinates Regulations (Northern Ireland) 1986(**b**) there shall be substituted—

''6A. In relation to the sampling for analysis of casein products, the powers of an authorised officer under Article 29 of the Order and the duties of such an officer under any Regulations made under the Order shall be exercised and performed in accordance with the methods laid down in the Annex to First Commission Directive 86/424/EEC(**c**).''.

Amendment of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987

10. The Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987(**d**) shall be amended as follows—

(*a*) in regulation 2(1), for the definition of ''food'' there shall be substituted the following definition—

'' ''food'' has the same meaning as in the Food Safety (Northern Ireland) Order 1991;'';

(**a**) S.R. 1985 No. 120
(**b**) S.R. 1986 No. 40; as amended by S.R. 1990 No. 37
(**c**) O.J. No. L243, 28.8.86, p. 29
(**d**) S.R. 1987 No. 432