1991 No. 198

FOOD

The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991

Made	*8th May 1991*
Coming into operation . .	*21st May 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 27(2), 30(9), 32(1), (2)(*c*), (*d*), (*e*), (*g*) and (*h*) 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 Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991 and shall come into operation on 21st May 1991.

(2) In these Regulations—

"food analyst" and "food examiner" have the meanings assigned to them by Article 30(9) of the Order;

"hospital" has the meaning assigned to it by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

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

"owner" means—

(*a*) in the case of goods in transit, the consignor (or, if he does not have an address in Northern Ireland, the consignee);

(*b*) in the case of goods from a vending machine—

(i) if the machine is marked with the name and address of its owner and that address is in Northern Ireland, that person;

(ii) in any other case, the occupier of the premises on which the machine stands or to which it is affixed;

(*c*) in any other case, the person appearing to the authorised officer to be the owner of the sample when he procured it;

"qualified" means qualified for the purposes of the Order.

(a) S.I. 1991/762 (N.I. 7)
(b) S.I. 1972/1265 (N.I. 14)

Sampling to which these Regulations do not apply

2. These Regulations shall not apply to any sample taken under the provisions of the Regulations listed in Schedule 1.

Qualifications of analysts

3. A person shall be qualified to be a food analyst or a public analyst if he possesses a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry.

Qualifications of food examiners

4.—(1) A person shall be qualified to be a food examiner if—

(*a*) he possesses a qualification listed in Part I of Schedule 2, and

(*b*) subject to paragraph (2), he has carried out examination of food over a period or periods amounting in the aggregate to at least three years in one or more of the laboratories set out in Part II of that Schedule.

(2) In calculating the qualification period in sub-paragraph 1(*b*), no account shall be taken—

(*a*) of any period spent as an undergraduate in a laboratory specified in paragraphs 9 and 10 of Part II of Schedule 2, or

(*b*) of any period before 1st January 1985 spent in a laboratory specified in paragraph 11 of Part II of Schedule 2.

Disqualifications

5. A food analyst or examiner, who is engaged directly or indirectly in a food business, shall not analyse or examine any sample procured under Article 29 of the Order which he knows was taken from that business.

Procedure where a sample is to be analysed

6.—(1) An authorised officer who has procured a sample under Article 29 of the Order and who considers that it should be analysed shall (subject to paragraph (4)) forthwith divide the sample into three parts.

(2) If the sample consists of sealed containers and opening them would, in the opinion of the authorised officer, impede a proper analysis, the authorised officer shall divide the sample into parts by putting the containers into three lots, and each lot shall be treated as being a part.

(3) The authorised officer shall—

(*a*) if necessary place each part in a suitable container and seal each container;

(*b*) mark each part or container;

(*c*) as soon as it is reasonably practicable to do so, give one to the owner and give him notice that the sample will be analysed;

(*d*) submit one for analysis; and

(*e*) retain one for future submission under regulation 7.

(4) If the authorised officer is of the opinion that division of the sample into parts is either not reasonably practicable or likely to impede a proper analysis, he shall as soon as it is reasonably practicable to do so give to the owner notice that it will be analysed and shall submit it for analysis.

Submission of retained sample

7. An authorised officer who has retained part of the sample shall submit it to the Government Chemist (or such other food analyst as the Government Chemist may direct) for analysis if—

(*a*) he and the owner so agree (which agreement may include who is to pay the analysis fees), or

(*b*) a court so orders.

Procedure where a sample is to be examined

8. An authorised officer who has procured a sample under Article 29 of the Order and who considers that it should be examined shall—

(*a*) if necessary place the sample in a suitable container and seal the container;

(*b*) mark the sample or container;

(*c*) as soon as it is reasonably practicable to do so, give notice to the owner that the sample will be examined; and

(*d*) submit it for examination.

Certificates

9.—(1) Where a sample procured under Article 29 of the Order has been analysed or examined, the owner shall be entitled on request to be supplied with a copy of the certificate of analysis or examination by the district council.

(2) The certificate given by a food analyst or examiner under Article 30(6) of the Order shall be in the form set out in Schedule 3.

Revocation

10. The Public Analysts Regulations (Northern Ireland) 1960(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 8th May 1991.

(L.S.) *J. Scott*

Assistant Secretary

(**a**) S.R. & O. (N.I.) 1960 No. 72

SCHEDULE 1 Regulation 2

Provisions to which these Regulations do not apply

Title	*Reference*
Poultry Meat (Water Content) Regulations (Northern Ireland) 1982	S.R. 1982 No. 386
Natural Mineral Water Regulations (Northern Ireland) 1985	S.R. 1985 No. 120
Milk Regulations (Northern Ireland) 1987	S.R. 1987 No. 229
Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987	S.R. 1987 No. 432