Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Safety (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1991 No. 762 (N.I. 7)

The Food Safety (Northern Ireland) Order 1991

- - - - - - *20th March 1991*

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Food Safety (Northern Ireland) Order 1991.

(2) Subject to paragraph (3), this Order shall come into operation on such day or days as the Head of the Department may by order appoint[F1].

(3) This Article and Articles 2 and 12 shall come into operation on the expiration of 2 months from the day on which the Order is made.

(4) An order under paragraph (2) may contain such transitional and supplementary provisions as appear to the Head of the Department to be necessary or expedient.

F1 fully exercised by SR 1991/175

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"advertisement" includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound;

"analysis" includes microbiological assay and any technique for establishing the composition of food;

"animal" means any creature other than a bird or fish;

"article" does not include a live animal or bird, or a live fish which is not used for human consumption while it is alive;

"authorised officer" means—

(a) [F3]in the case of functions conferred on a district council,. . . a person who is generally or specially authorised in writing by that council for the purposes of this Order;

(b) in the case of functions conferred on the Department of Agriculture, a person who is generally or specially authorised in writing by that Department for the purposes of this Order;

(bb) **[**F4in the case of functions conferred on the Food Standards Agency, a person who is generally or is specially authorised in writing by the Food Standards Agency for the purpose of this Order;**]**

(c) **[**F3in the case of duties imposed on**[**F4 the Department, the Department of Agriculture or the Food Standards Agency**]** by virtue of a direction under Article 26(2), a person who is generally or specially authorised in writing by**[**F4 the Department, the Department of Agriculture or the Food Standards Agency**]** for the purposes of that direction;**]**

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council or other public authority;

"commercial operation", in relation to any food or contact material, means any of the following, namely—

(a) selling, possessing for sale and offering, exposing or advertising for sale;

(b) consigning, delivering or serving by way of sale;

(c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;

(d) storing or transporting for the purpose of sale;

(e) importing and exporting;

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;

"contact material" means any article or substance which is intended to come into contact with food;

"container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise;

Definition rep. by 1996 NI 12

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

Definition rep. by 1999 c.28

"description", in relation to food, includes any description of its origin or of the manner in which it is packed;

"equipment" includes any apparatus;

"examination" means microbiological examination;

F5"exportation" and "importation" have the same meanings as they have for the purposes of the Customs and Excise Management Act 1979;

"fish" includes crustaceans and molluscs;

[F6"food" has the same meaning as it has in Regulation (EC) No. 178/2002.**]**

"food business" means any business in the course of which commercial operations with respect to food or food sources are carried out;

"food premises" means any premises used for the purposes of a food business;

"food source" means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);

"human consumption" includes use in the preparation of food for human consumption;

Definition rep. by 1996 NI 12

"milk" includes cream and skimmed or separated milk;

Definition rep. by 1996 NI 12

"occupier", in relation to any ship or aircraft of a description specified in an order or any vehicle, stall or place, means the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place;

"officer" includes servant;

"order", except in Article 1(2), means an order made by**[**F4 the Department**]** subject to negative resolution;

"premises" includes any place, any vehicle, stall or moveable structure and, for such purposes as may be specified in an order, any ship or aircraft of a description so specified;

"preparation", in relation to food, includes manufacture and any form of processing or treatment, and "preparation for sale" includes, subject to paragraph (3), packaging;

"presentation", in relation to food, includes the shape, appearance and packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising;

"proprietor", in relation to a food business, means the person by whom that business is carried on;

"public analyst" means a person appointed under Article 27(1);

[F7"Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.**]**

F3"regulations". . . means regulations made by**[**F4 the Department**]** subject to negative resolution;

F8"ship" includes any vessel, boat or craft, and a hovercraft within the meaning of the Hovercraft Act 1968, and "master" shall be construed accordingly;

"slaughter#house" means any premises used for the slaughtering of animals, the flesh of which is intended for human consumption;

F9"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

"substance" includes any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

"treatment", in relation to any food, includes subjecting it to heat or cold;

F10"veterinary drugs" has the same meaning as in section 132(1) of the Medicines Act 1968.

(3) The reference in paragraph (2) to preparing for sale shall be construed, in relation to any contact material, as a reference to manufacturing or producing for the purpose of sale.

(4) For the purposes of this Order—

(a) the supply of food, otherwise than on sale, in the course of a business; and

(b) any other thing which is done with respect to food and is specified in an order,

shall be deemed to be a sale of the food, and references to purchasers and purchasing shall be construed accordingly.

(5) For the purposes of this Order, any class or description may be framed by reference to any matters or circumstances whatever, including in particular, in the case of a description of food, the brand name under which it is commonly sold.

(6) The district of a district council which is bounded by or to seaward of the high#water mark of mean tides shall also include, for the purposes of this Order, the territorial waters of the United Kingdom which are outside that district adjacent to any place where that high#water mark is within or on the boundary of that district.

(7) The following Table shows provisions defining or otherwise explaining expressions used in this Order (other than provisions defining or explaining an expression used only in the same Article) —

emergency control order	Article 12(1)
emergency prohibition notice	Article 11(1)
emergency prohibition order	Article 11(2)
[[F7]food safety requirements Article 5**]**	Article 5(2)
improvement notice	Article 9
F7	F7
. . .	. . .
prohibition order	Article 10(5)
sale and related expressions	Articles 2(4) and 3
unfit for human consumption	Article 5(4)

F2 1954 c. 33 (NI)
F3 1996 NI 12
F4 1999 c. 28
F5 1979 c. 2
F6 SR 2004/482
F7 SR 2004/505
F8 1968 c. 59
F9 1954 c. 33 (NI)
F10 1968 c. 67

Modifications etc. (not altering text)

C1 Art. 2 applied (31.3.2016) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 (S.R. 2016/54), regs. 1, **32(1)(a)**
C2 Art. 2(4) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(a)**
C3 Art. 2(4) applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(a)**
C4 Art. 2(4) applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(a)**
C5 Art. 2(4) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(a)** (with reg. 3)
C6 Art. 2(4) applied (with modifications) (5.11.2007) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007 (S.R. 2007/434), regs. 1(2), **20(1)(a)**
C7 Art. 2(4) applied (with modifications) (1.7.2008) by Drinking Milk Regulations (Northern Ireland) 2008 (S.R. 2008/237), **reg. 7(a)**

C8 Art. 2(4) applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008 (S.R. 2008/239), regs. 3, **7(a)**

C9 Art. 2(4) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(a)**

C10 Art. 2(4) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(a)**

C11 Art. 2(4) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(a)**

C12 Art. 2(4) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(4)** (with reg. 5(2))

C13 Art. 2(4) applied (with modifications) (20.10.2010) by Materials and Articles in Contact with Food Regulations (Northern Ireland) 2010 (S.R. 2010/321), **reg. 20(1)(a)** (with reg. 3)

C14 Art. 2(4) applied with modifications (20.11.2012) by The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 (S.R. 2012/384), regs. 1, **26(1)(a)** (with reg. 3)

C15 Art. 2(4) applied with modifications (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 2013/220), regs. 1, 19, **Sch. 5**

C16 Art. 2(4) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**

C17 Art. 2(4) applied (with modifications) (11.9.2015) by The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321), regs. 1, 6(4), **Sch. Pt. 4**

C18 Art. 2(4) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), regs. 1, 34(3), **Sch. 12 Pt. 4** Table

C19 Art. 2(4) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**

C20 Art. 2(4) applied (with modifcations) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**

C21 Art. 2(4) applied (with modifications) by S.R. 2012/384, Sch. 2 Pt. 2 (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), reg. 1, **Sch.**)

C22 Art. 2(4) applied with modification(s) (1.1.2018) by The Novel Foods Regulations (Northern Ireland) 2017 (S.R. 2017/233), regs. 1, 5(3), **Sch. 2 Pt. 3** (with reg. 5(4))

C23 Art. 2(6) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(a)**

C24 Art. 2(6) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(a)**

C25 Art. 2(6) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(b)**

Application to food offered as prizes, etc.

3. This Order shall apply—

(a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;

(b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and