

**2007 No. 16**

**FOOD**

**The Food Hygiene (Amendment) Regulations (Northern  
Ireland) 2007**

*Made* - - - - - *10th January 2007*

*Coming into operation* - *14th February 2007*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972<sup>(b)</sup>.

The Department of Health, Social Services and Public Safety has been designated<sup>(c)</sup> for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food.

As required by Article 9 of 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<sup>(d)</sup> there has been open and transparent public consultation during the preparation of the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Food Hygiene (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 14th February 2007.

**Amendment to the Food Hygiene Regulations (Northern Ireland) 2006**

2.—(1) The Food Hygiene Regulations (Northern Ireland) 2006<sup>(e)</sup> are amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1) of regulation 2 (interpretation), for the definitions of the Community instruments appearing immediately after the definition of “the Community Regulations” there are substituted the following definitions—

““Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation

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(a) Formerly the Department of Health and Social Services see S.I. 1999/283 (N.I.1) Article 3(6)

(b) 1972 c.68

(c) S.I. 2003/2901

(d) OJ No. L31, 1.2.2002, p.1, as last amended as at the making of this Statutory Rule by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3)

(e) S.R. 2006 No. 3

2076/2005”, “Regulation 575/2006”, “Regulation 776/2006”, “Regulation 1662/2006”, “Regulation 1663/2006”, “Regulation 1664/2006”, “Regulation 1665/2006”, “Regulation 1666/2006” and “Regulation 1791/2006” have the meanings respectively given to them in Schedule 1;”.

(3) In regulation 7(9) and regulation 8(2) for “magistrates’ court” there shall be substituted “court”.

(4) In regulation 8(10) for the following; “a single arbitrator appointed, failing agreement between the parties by the Head of the Department”, there shall be substituted “arbitration(a)”.

(5) In regulation 14(3), for “sworn information” there shall be substituted “sworn complaint”.

(6) Regulation 20 (Appeals to County Court) shall be deleted.

(7) For Schedule 1 (definitions of Community legislation) there shall be substituted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 10th January 2007.



*Don Hill*

A senior officer of the Department of Health, Social Services and Public Safety

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(a) see The Arbitration Act 1996, S.I. 1996 c.23

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE FOOD  
HYGIENE REGULATIONS (NORTHERN IRELAND) 2006

## “SCHEDULE 1

## DEFINITIONS OF COMMUNITY LEGISLATION

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(a); “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(b) as last amended as at the making of the Food Hygiene (Amendment) (Northern Ireland) Regulations 2007 by Regulation 575/2006;

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(c) as read with Regulation 2073/2005;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(d) as amended by Regulation 2074/2005, Regulation 2076/2005, Regulation 1662/2006 and Regulation 1791/2006 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(e) as amended by Regulation 882/2004, Regulation 2074/2005, Regulation 2076/2005, Regulation 1663/2006 and Regulation 1791/2006 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(f) as amended by Regulation 776/2006 and Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(g);

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(a) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12)

(b) OJ No. L31, 1.2.2002, p.1

(c) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3)

(d) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22)

(e) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83)

(f) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1)

(g) OJ No. L271, 15.10.2005, p.17

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(a);

“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(b) as amended by Regulation 1664/2006;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(c) as amended by Regulation 1665/2006;

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(d) as amended by Regulation 1666/2006;

“Regulation 575/2006” means Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority(e);

“Regulation 776/2006” means Commission Regulation (EC) No. 776/2006 amending Annex VII to Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards Community reference laboratories(f);

“Regulation 1662/2006” means Commission Regulation (EC) No. 1662/2006 amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(g);

“Regulation 1663/2006” means Commission Regulation (EC) No. 1663/2006 amending Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(h);

“Regulation 1664/2006” means Commission Regulation 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(i);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(j);

“Regulation 1666/2006” means Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council(k); and

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(l).”

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(a) OJ No. L338, 22.12.2005, p.1, as read with the corrigenda at OJ No. L283, 14.10.2006, p.62  
(b) OJ No. L338, 22.12.2005, p.27  
(c) OJ No. L338, 22.12.2005, p.60  
(d) OJ No. L338, 22.12.2005, p.83  
(e) OJ No. L100, 8.4.2006, p.3  
(f) OJ No. L136, 24.5.2006, p.3  
(g) OJ No. L320, 18.11.2006, p.1  
(h) OJ No. L320, 18.11.2006, p.11  
(i) OJ No. L320, 18.11.2006, p.13  
(j) OJ No. L320, 18.11.2006, p.46  
(k) OJ No. L320, 18.11.2006, p.47  
(l) OJ No. L363, 20.12.2006, p.1

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3) —

- (a) by substituting definitions of certain Community instruments for the definitions of the Community instruments that currently appear after the definition of “the Community Regulations” in paragraph (1) of regulation 2 (interpretation) (*regulation 2(2)*);
- (b) by substituting the word “court” for “magistrates’ court” (*regulation 2(3)*);
- (c) by substituting the word “arbitration” for the following “a single arbitrator appointed, failing agreement between the parties by the Head of the Department” (*regulation 2(4)*);
- (d) by substituting the term ‘sworn information’ with ‘sworn complaint’ (*regulation 2(5)*);
- (e) by revoking Regulation 20 (Appeals to County Court) (*regulation 2(6)*); and
- (f) by substituting a revised Schedule 1 (definitions of Community legislation) for the existing Schedule 1 (*regulation 2(7)*).