EXPLANATORY MEMORANDUM TO

The Food Hygiene (Amendment) Regulations (Northern Ireland) 2010

S.R. 2010 No. 83

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Food Standards Agency Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under the powers given by section 2 (2) of the European Communities Act (ECA) 1972 and is subject to the negative, resolution procedure.

1.3 The rule is due to come into operation on 13th April 2010.

2. Purpose

2.1 The Food Hygiene (Amendment) Regulations (Northern Ireland) 2010 will provide for the execution and enforcement of a number of transitional and implementing measures in respect of the EU Food Hygiene Regulations.

3. Background

3.1 The EU transitional and implementing legislation which is the subject matter of this Statutory Rule (SR) amends or applies transitional measures to the following policy areas:

- record keeping for small fishing vessels (Regulation (EC) 1243/2007);
- the production of gelatine (Regulation (EC) 1243/2007);
- the criteria for competent authorities to apply when determining Official Veterinarian attendance during post-mortem inspection (Regulation (EC) 1244/2007);
- the criteria for the 'visual only' inspection post-mortem of young animals (Regulation (EC) 1244/2007);
- the use of an alternative form of pepsin for the detection of trichinella (Regulations (EC) 1245/2007);
- microbiological criteria (Regulation (EC) 1441/2007); and
- the screening of live bivalve molluscs for Amnesic Shellfish Poisoning (Regulation (EC) 1244/2007).

3.2 We propose to achieve this as regards the EU transitional and implementing measures by substituting a revised Schedule 1 to the Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3).

4. Matters of Special Interest to the Health Committee

4.1 There are further amendments to the EU Food Hygiene Regulations which are subsequent to the amendments which are the subject matter of the Food Hygiene (Amendment) Regulations (Northern Ireland) 2010. The SR which will provide for the execution and enforcement of those further amendments is the subject of a separate consultation exercise.

5. Consultation

5.1 The Food Standards Agency consulted stakeholders (for 12 weeks) on the draft Food Hygiene (Amendment) Regulations (Northern Ireland) 2008 (as they were then titled) and the IAs for the Commission measures. The consultation closed on 4th January 2008.

5.2 No significant concerns arose from stakeholders' comments, a summary of which can be seen on the Agency's web site at:
http://www.food.gov.uk/multimedia/pdfs/consultationresponse/hygamendeng08resp.pdf

6. Position in Great Britain

6.1 This rule applies in Northern Ireland.

6.2 Equivalent instruments have been proposed in England, Scotland and Wales. Two national measures, which are not applicable in Northern Ireland, will also be adopted in Great Britain.

7. Equality Impact

7.1 The FSA do not envisage an impact.

8. Regulatory Impact

8.1 The FSA do not envisage an impact.

9. Financial Implications

9.1 Not applicable.

10. Section 24 of the Northern Ireland Act 1998

10.1 The FSA do not envisage an impact.

11. EU Implications

11.1 Failure to implement this new legislation would result in infraction procedures against the UK from the EU.

12. Additional Information

12.1 Not applicable.

13. Contact

13.1 If you require any further information in relation to this rule you can contact Danielle Gamble, at the FSANI (tel: 028 90417705 or email Danielle.gamble@foodstandards.gsi.gov.uk)