EXPLANATORY MEMORANDUM TO

THE FOOD HYGIENE (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

SR 2019 No. 110

1. Introduction

1.1. This explanatory memorandum has been prepared by the Food Standards Agency to accompany this Statutory Rule which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972.

1.3. The rule will come into operation on 29th June 2019.

2. Purpose of the Rule

2.1. The purpose of the Food Hygiene (Amendment) Regulations (Northern Ireland) 2019 is to amend the current labelling provisions in the Food Hygiene Regulations (Northern Ireland) 2006 to inform vulnerable consumers of the potential risks associated with the consumption of raw drinking milk. (regulation 2(2)).

2.2. Currently in Northern Ireland, raw drinking milk (except from buffalo) requires to be labelled with the warning; "This milk has not been heat-treated and may therefore contain organisms harmful to health." This statutory rule will amend the current labelling rules to include buffalo and, in addition, require the following statement on the labelling of raw drinking milk from all species: "The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people and those who are unwell or have chronic illness"

3. Policy Background

3.1. In January 2014, the Food Standards Agency (FSA) undertook a public consultation on the review of the controls governing the sale and marketing of unpasteurised or raw drinking milk and raw cream in Northern Ireland, England and Wales.

3.2. In July 2015, the FSA Board discussed the conclusions of the review and accepted its recommendations that:

- The level of risk associated with raw drinking milk consumption is acceptable, when appropriate hygiene controls are applied, except for vulnerable consumers;

- Risk communication, particularly to vulnerable consumers, should be improved, including revisions to labelling requirements in Northern Ireland and England to mirror that used in Wales; and

- Current restrictions on sale should remain in place to ensure that the same level of consumer protection could be maintained.

3.3. Unpasteurised or raw milk and cream may contain harmful bacteria

that cause food poisoning. Vulnerable consumers with a weakened immune system are particularly susceptible to food poisoning and should not consume unpasteurised milk and cream. Vulnerable consumers include older people, pregnant women, infants and children.

4. Matters of Special Interest to the Health Committee

N/A

5. Consultation

5.1. The FSA launched a shortened 8-week public consultation in Northern Ireland on the draft domestic legislation on 25th July 2017. 9 responses were received in relation to this consultation; with 4 respondents in favour of the perceived benefits of raw drinking milk and 5 respondents in favour of the proposal.

6. Position in Great Britain

6.1. It is expected that current raw drinking milk labelling provisions in England will also be amended to inform vulnerable consumers of the potential risks associated with consumption of raw drinking milk, and to introduce consistent labelling requirements for all species. These labelling proposals will harmonise the labelling requirements for raw drinking milk across Northern Ireland, England and Wales. The sale of raw drinking milk is banned in Scotland.

7. Equality Impact

7.1. These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

8. Regulatory Impact

8.1. An Impact Assessment (Annex A) on the review of the controls governing the sale and marketing of unpasteurised, or raw drinking milk and cream in Northern Ireland, England and Wales has been carried-out. The conclusion was that the provisions within the statutory rule would not result in a significant financial impact on food businesses within scope because a transitional period of three years for labelling changes would be introduced. It is also anticipated that there is not a significant financial burden on DAERA who (on behalf of the FSA) enforce the legislation.

9. Financial Implications

9.1. N/A

10. Section 24 of the Northern Ireland Act 1998

10.1. These regulations will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any as determined by Section 24.

11. EU Implications

11.1. N/A