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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 267**

**FOOD**

**The Food Hygiene Rating Act (Amendment)  
Regulations (Northern Ireland) 2020**

*Made - - - - 17th November 2020*

*Coming into operation 23rd December 2020*

The Department of Health<sup>(1)</sup>, being a department designated<sup>(2)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(3)</sup> in relation to measures relating to food (including drink) including the primary production of food, makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act.

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>(4)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Food Hygiene Rating Act (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 23rd December 2020.

**Amendment to the Food Hygiene Rating Act (Northern Ireland) 2016**

2.—(1) The Food Hygiene Rating Act (Northern Ireland) 2016<sup>(5)</sup> is amended in accordance with paragraphs (2) to (4).

(2) In section 1(5) (food hygiene rating) for “Regulation (EC) 882/2004” substitute “Regulation (EU) 2017/625”.

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(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), section 1

(2) S.I. 2003/2901

(3) 1972 c.68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). [Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.]

(4) O.J. No. L 31, 1.2.2002, p.1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (O.J. No. L 198, 25.07.2019, p.241)

(5) 2016 c. 3 (N.I.)

(3) In section 2(2) (notification and publication) for “Regulation (EC) 882/2004” substitute “Regulation (EC) 178/2002”.

(4) In section 17(1) (interpretation etc.)—

(a) in the definition of “food”—

for “Regulation (EC) 882/2004” substitute “Regulation (EC) 178/2002”;

(b) after the definition of “operator” insert—

““Regulation (EC) 178/2002” means Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 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 (as amended from time to time).”;

(c) for the definition of “Regulation (EC) 882/2004” substitute—

““Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (as amended from time to time).”.

Sealed with the official seal of the Department of Health on 17th November 2020.



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## EXPLANATORY NOTE

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

These Regulations amend the Food Hygiene Rating Act (Northern Ireland) 2016 (“the Act”) by updating references to the repealed Regulation (EC) 882/2004 in the Act with references to Regulation (EU) 2017/625 (rules that replaced Regulation (EC) 882/2004) or Regulation (EC) 178/2002 (for definitions of “operator” and “food”).

An impact assessment has not been produced for this Statutory Rule as no, or no significant, impact on the private, voluntary or public sector is foreseen.