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**FOOD SAFETY AUTHORITY OF IRELAND ACT, 1998**

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS THE FOOD SAFETY AUTHORITY OF IRELAND OR ÚDARÁS SÁBHÁILTEACHTA BIA NA hÉIREANN AND TO DEFINE ITS FUNCTIONS AND TO AMEND THE RADIOLOGICAL PROTECTION ACT, 1991, AND TO PROVIDE FOR RELATED MATTERS. [8th July, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary

**1.**—This Act may be cited as the Food Safety Authority of Ireland Act, 1998. Short title.

**2.**—(1) In this Act, except where the context otherwise requires— Interpretation.

“authorised officer” means a person appointed as an authorised officer under *section 49*;

“the Authority” means the Food Safety Authority of Ireland established under *section 9*;

“the Board” means the Board of the Authority;

“chief executive” means the chief officer of the Authority appointed under *section 37*;

“closure order” has the meaning assigned to it by *section 53*;

“enforcement” in relation to food legislation, means the carrying out of inspections, surveillance, sampling, analysis, licensing and registration and the taking of legal proceedings;

“establishment day” means the day appointed by the Minister under *section 3* to be the establishment day;

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“food” includes—

- (a) any substance used, available to be used or intended to be used, for food or drink by human persons, and
- (b) any substance which enters into or is used in the production, composition or preparation of these substances,

and references to food include, as the context may require, reference to a particular food or class of food;

“food inspection” means the systems of inspection carried out by or on behalf of the Authority in order to ascertain whether—

- (a) food,
- (b) the processes (including processes aimed at preserving or prolonging the freshness and wholesomeness of food) to which food is subjected,
- (c) the physical environment in which food is produced, held, prepared and handled,
- (d) the skills, training and competence of people handling or otherwise dealing with food in premises coming within the scope of this Act,
- (e) any substances and materials which may be used at any stage in the production of food (including, where appropriate, animal feedingstuffs) and including the pre- and post-mortem examination of animals at abattoirs or other such premises whose meat is to be supplied as food or is to be used in the production of food,
- (f) food additives, vitamins, mineral salts, trace elements, flavourings and other additives intended to be sold as such,
- (g) materials and articles intended to come into contact with food,
- (h) products of the soil, products of stock farming, aquaculture and of fisheries and game,

complies with food legislation aimed at preventing risks to public health;

“food legislation” means—

- (a) the Acts (including any instruments made thereunder) specified in *Part I*,
- (b) the statutory instruments specified in *Part II*,
- (c) the Regulations of an institution of the European Communities specified in *Part III*,

of the *First Schedule* in so far as they relate to food safety and hygiene,

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- (d) any Act passed by the Oireachtas or any statutory instrument made thereunder or regulation made under the European Communities Act, 1972, after the establishment day and deemed to be food legislation for the purposes of this Act, Pt.I S.2

“food safety” means the steps taken to avoid risks to public health arising from food intended for human consumption;

“food standards” in relation to food safety and hygiene, means standards established by or under food legislation relating to any or all of the following:

- (a) the composition of food, including—
- (i) the level of contaminants or residues that may be present in food,
  - (ii) its microbiological status and safety, and
  - (iii) the method of sampling and testing of food to determine its composition;
- (b) the production of food, including the equipment used and the processes employed;
- (c) the packaging, storing or handling of food;
- (d) the sale, importation or exportation of food;
- (e) any information about food, including labelling, promotion and advertising thereof;
- (f) the avoidance of physical, chemical, radiological, biological or other contamination of food;
- (g) the avoidance of risks to human health arising from ingestion or otherwise of food;
- (h) the maximum or minimum amount of substances that are or are required to be or may be used in the preparation of food;

“former Authority” means the Food Safety Authority of Ireland established by the Food Safety Authority of Ireland (Establishment) Order, 1997 (S.I. No. 524 of 1997);

“functions” includes powers and duties, and reference to the performance of functions includes, as respects powers and duties, references to the exercise of the powers and the performance of the duties;

“health board” means a board established under section 4 of the Health Act, 1970;

“hygiene” in relation to food safety or standards, means the observance of standards of good practice aimed at the avoidance of contamination of food;

“improvement notice” has the meaning assigned to it by *section 52(1)*;

“improvement order” has the meaning assigned to it by *section 52(4)*;

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“local authority” has the meaning assigned to it by the Local Government Act, 1941;

“the Minister” means the Minister for Health and Children;

“official agency” shall be construed in accordance with the *Second Schedule*;

“premises” includes any place, building, aircraft, vehicle, railway wagon, container or vessel or temporary premises at or in or on which any trade, business or activity in connection with the production, preparation, processing, manufacture, exportation, importation, storage, distribution or sale of food is or has been carried on;

“prescribe” means prescribe by regulations made by the Minister;

“prohibition order” has the meaning assigned to it by *section 54(1)*;

“recognised trade unions and associations” means the trade unions and staff associations recognised by the Authority for the purpose of negotiations which are concerned with the transfers of staff to the Authority as well as remuneration, conditions of employment or working conditions of officers of the Authority and employees of the Authority;

“remuneration” includes allowances for expenses, benefits-in-kind and superannuation;

“sale” includes to offer for sale or to sell or to supply whether or not for profit and any cognate words shall be construed accordingly;

“the Scientific Committee” means the committee established under *section 34*;

“service contract” has the meaning assigned to it by *section 48*;

“superannuation benefits” means pensions, gratuities and other allowances payable on resignation, retirement or death;

“uncultivated foods” means foods which are not commercially produced or harvested, including wild mushrooms, fruit and berries and fish and game harvested through recreational activities.

(2) In this Act—

- (a) a reference to a section or Schedule is to a section of, or Schedule to, this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,
- (c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act, and
- (d) a reference to a statutory instrument shall be construed as a reference to that instrument as amended, adapted or extended by any subsequent statutory instrument.

Establishment day.

**3.**—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.



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4.—Every order (other than an order made under *section 3* or *44*) and every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Pt. I

Laying of orders and regulations before Houses of Oireachtas.

5.—The Minister may, after consultation with the relevant Minister of the Government or other person having responsibility for the official agency concerned, by order amend the *First* or *Second Schedule* by making additions thereto or deletions therefrom.

Amendment of Schedules.

6.—(1) Proceedings in relation to a summary offence under this Act may be brought and prosecuted by the Authority.

Prosecution of summary offences.

(2) Notwithstanding the provisions of *section 10(4)* of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be commenced at any time within 12 months from the date on which evidence sufficient in the opinion of the Authority to justify initiating the proceedings comes to the Authority's knowledge not being later than 5 years from the date on which the offence concerned was committed.

7.—(1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect or default on the part of a person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Offences by bodies corporate.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director, manager or secretary of the body corporate.

8.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses of Minister.

## PART II

### The Food Safety Authority of Ireland

9.—(1) There shall stand established on the establishment day a body to be known as the Food Safety Authority of Ireland, or in the Irish language as *Údarás Sábháilteachta Bia na hÉireann*, to perform the functions assigned to it by this Act.

Establishment of Authority.

(2) The Authority shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

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(3) The Authority shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

Independence of Authority.

**10.**—The Authority shall, subject to this Act, be independent in the exercise of its functions.

Principal function of Authority.

**11.**—The principal function of the Authority shall be to take all reasonable steps to ensure that—

(a) food produced in the State (whether or not distributed or marketed in the State), and

(b) food distributed or marketed in the State,

meets the highest standards of food safety and hygiene reasonably available and it shall, in particular, take all reasonable steps to ensure that such food complies—

(i) with food legislation in respect of food safety and hygiene standards, or

(ii) where appropriate, with the provisions of generally recognised standards or codes of good practice aimed at ensuring the achievement of high standards of food hygiene and food safety.

Promotion of standards.

**12.**—(1) In order to achieve the highest level of protection reasonably available in the interests of public health and consumer protection, the Authority shall promote, encourage and foster at all stages of food production, from primary production through to final use by the consumer, the establishment and maintenance of high standards of food hygiene and safety.

(2) The Authority shall, for the purposes of *subsection (1)*, undertake or arrange to have undertaken such activities as it deems appropriate to foster and promote such standards and shall carry out or arrange to have carried out such food inspections as are required to determine compliance with food legislation.

(3) Without prejudice to the provisions of food legislation, the activities and food inspections to be undertaken by or on behalf of the Authority and referred to in *subsection (2)* shall be directed towards bringing about a general acceptance amongst producers, manufacturers, distributors, retailers and caterers of the principle that, in respect of any food placed on the market, the primary responsibility for the safety and suitability of the food for human consumption is borne by them individually or, as appropriate, collectively, and, as a consequence, each of the parties mentioned shall take all reasonable steps to ensure, in so far as that party is concerned, the safety and hygienic standard of that food.

(4) For the purpose of promoting higher standards, the Authority shall endeavour to consult representatives of consumers, producers, retailers, distributors, caterers and manufacturers and, where appropriate, official agencies about the activities or other measures to be undertaken.

Food safety assurance schemes.

**13.**—(1) For the purposes of *section 12* the Authority may, by itself or with such representatives of particular food business groups or organisations as it considers appropriate, establish schemes (in this section referred to as “food safety assurance schemes”) for the protection of consumer interests.

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(2) The Authority shall promote, encourage and facilitate the establishment of food safety assurance schemes which shall be established upon the best available practices and standards of food safety and hygiene available and have available such documentation and other evidence relating to raw materials, processing, preparation, packaging, storage and labelling of foodstuffs, as the Authority considers appropriate for the protection of consumer interests. Pt.II S.13

(3) The Authority shall prepare guidelines to be observed by it in relation to the establishment of food safety assurance schemes.

(4) Any such guidelines shall require the approval of the Board, following consultation with the Scientific Committee.

(5) Subject to *subsection (7)*, the Authority shall not participate in food safety assurance schemes.

(6) The Authority may endorse its approval of any food safety assurance scheme on any terms and conditions which the Board may stipulate following consultation with the Scientific Committee and the Authority may withdraw any such endorsement.

(7) The Authority shall monitor and report to the Board on the performance and implementation of food safety assurance schemes.

(8) The Authority may publish reports in relation to food safety assurance schemes.

(9) An official agency shall notify the Authority in relation to any food safety assurance scheme in which it is involved or supports and shall have regard to any advice of the Authority in relation to such involvement or support.

**14.—**(1) The Authority shall for the purposes of the consultations referred to in *section 12(4)* or for consultations on any other matter relating to the functions of the Authority, establish a body to be known as the Food Safety Consultative Council (referred to in this section as “the Council”). Consultative Council.

(2) The Council shall consist of not more than 24 members and shall be broadly based and representative.

(3) The Council shall be established under such terms and conditions determined, before its establishment, by the Board, following consultations with the Minister.

(4) The Minister may appoint not more than 12 members to the Council, of whom—

(a) 2 shall have been nominated by the Minister for Agriculture and Food,

(b) one shall have been nominated by the Minister for the Marine and Natural Resources,

(c) one shall have been nominated by the Minister for Enterprise, Trade and Employment, and

(d) one shall have been nominated by the Minister for the Environment and Local Government,

and the remainder shall be appointed by the Board.

(5) Members of the Council shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

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(6) The Authority shall have regard to any opinions expressed by the Council on any matter under review by the Authority. However, failure to consult the Council or to adopt a course of action on any matter corresponding to that proposed or supported by the Council shall not invalidate the decisions or actions of the Authority on the matter in question or on any other matter.

(7) The Authority may publish the opinions of the Council.

(8) The Board in the case of appointments made by it and the Minister in the case of appointments made by him or her, shall ensure, in so far as is practicable, an equitable balance between men and women.

Advice of  
Authority.

**15.**—The Authority shall at the request of the Minister or of another Minister of the Government, provide to the Minister or that other Minister of the Government advice on issues relating to all or any of the matters listed in this section or may, on its own initiative, provide such advice on—

- (a) food-borne diseases, including food-borne zoonotic diseases,
- (b) nutritional aspects of food and the role of diet in public health,
- (c) statutory developments relating to food safety and hygiene,
- (d) technology and industrial practices relating to food and food preparation,
- (e) the organisation and administration of systems for the approval, licensing and registration and inspection of premises carrying on a food business,
- (f) food production including cultivation of crops, fruit and vegetables, the harvest of uncultivated foods, the cultivation and production of shellfish and breeding or rearing of animals for slaughter and for food production,
- (g) labelling and packaging of food (including materials used in packaging),
- (h) the scope for improved systems for the communication of information to the public on the safety and hygiene of food, including the safe handling of food in the home, and
- (i) any other matter relevant to food safety and hygiene,

and may publish such advice.

Collection and  
assessment of data.

**16.**—(1) The Authority may—

- (a) collect all food legislation, codes of conduct and other materials relevant to the functions of the Authority and may publish them in such form as it considers appropriate, and
- (b) collect information concerning the hygiene and safety of food that will facilitate the performance by it of its functions.

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(2) The Authority shall—

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(a) collect in such form, if any, as it may decide and assess statistical data on the official control of food, and

(b) collect, assess or otherwise analyse such data relating to the production and consumption of food,

as it sees fit or the Minister or any other Minister of the Government may, from time to time, request.

(3) The Authority shall undertake such assessments of statistical data on food-borne diseases including food-borne zoonotic diseases as it considers appropriate or as the Minister or other Minister of the Government may, from time to time, request.

(4) In this section “official control of food” includes the systems of inspection and control over the production, manufacturing, storage, sale or use of food required by or under any enactment.

(5) An official agency concerned shall co-operate with the Authority in meeting the requirements of this section.

(6) The Authority may in order to carry out its functions under this section require such person who it believes holds information which is relevant for those purposes to supply the information to the Authority and such person shall comply with such a requirement.

**17.**—The Authority shall consider and keep under review the efficacy of the food inspection services for the time being in place and shall report at least annually to the Minister, or to such other Minister of the Government or other agency as may have responsibility for the carrying out, whether under a service contract or otherwise, of the particular food inspection service, on the scope for better co-ordination and delivery of the food inspection service or services.

Review of food inspection services.

**18.**—(1) The Authority may undertake, commission or collaborate in research projects and activities on issues relating to food, and may, for this purpose, participate in research projects and activities on issues relating to food involving parties from outside the State.

Research by Authority.

(2) In deciding whether to exercise its powers under *subsection (1)*, the Authority shall have regard to any undertaking, commission or collaboration in such projects or activities by other persons in the State.

**19.**—(1) Without prejudice to the requirements of food legislation or any certification procedure operated by an official agency with regard to food for sale, the Authority may, if requested by any person and shall if requested by an official agency provide a system of certification of food for sale in such form in respect of the request as it considers appropriate.

Certification of food.

(2) The Authority may issue guidelines with respect to any certification provided by it under this section.

**20.**—(1) The Minister may, if he or she so thinks fit or if so requested by another Minister of the Government, following consultations with that other Minister of the Government and the Minister for Finance, by order—

Conferral of additional functions on Authority.

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- (a) confer on the Authority such additional functions connected with the functions for the time being of the Authority or activities that the Authority is authorised for the time being to undertake (including functions for the purpose of enforcing any directive, regulation or other act adopted by an institution of the European Communities in relation to food safety and hygiene) as he or she considers appropriate, and
- (b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Authority of functions under this section or the performance by the Authority of functions so conferred.

(2) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

Charges for services.

**21.—**(1) Subject to *subsection (2)*, and having due regard to any other arrangements in place concerning any fees or charges arising in relation to the area of activity concerned, the Authority may make such charges as the Board considers appropriate in consideration of the performance by the Authority of its functions, the provision by it of services (other than a service consisting of the provision of advice for the Minister or another Minister of the Government) and the carrying on by it of activities and shall record receipts from such charges as income.

(2) The determination of the amounts of charges referred to in *subsection (1)* shall be subject to the approval of the Minister following consultations with the Minister for Finance.

(3) The Authority may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable any amount due and owing to it under *subsection (1)*.

Gifts.

**22.—**(1) The Board may accept gifts on behalf of the Authority of money, land or other property, on such trusts, terms or conditions, if any, as may be specified by the donor.

(2) The Board shall not accept a gift if the trusts, terms or conditions attached to it would be inconsistent with or prejudice the operational independence, effective performance or the functions of the Authority.

(3) The Authority shall include details of any gift which exceeds, in the opinion of the Board, the value of £500, or such other amount as may stand specified for the time being in regulations made by the Minister, in the report under *section 25(1)* for the year in which the gift is accepted.

Borrowings by Authority.

**23.—**The Authority may, for the purpose of providing for current expenditure, from time to time, borrow money (whether on the security of the assets of the Authority or otherwise), including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister and the Minister for Finance.

Advances by Minister to Authority.

**24.—**The Minister may, from time to time, with the consent of the Minister for Finance, advance to the Authority out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by the Authority in the performance of its functions.

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**25.**—(1) As soon as may be after the end of the financial year of the Authority in which the establishment day falls and of each subsequent financial year of the Authority, but not later than 6 months thereafter, the Authority shall make a report to the Minister of its activities during that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

Pt.II  
Reports and  
information to  
Minister.

(2) Each report under *subsection (1)* shall include information in such form and regarding such matters as the Minister may direct.

(3) The Authority shall, whenever so requested by the Minister, furnish to the Minister information in relation to such matters as he or she may specify concerning or relating to the scope of its activities generally, or in respect of any account prepared by the Authority or any report specified in *subsection (1)* or the policy or activities, other than day to day activities, of the Authority.

(4) The Authority may publish such other reports on matters related to its activities and functions, as may from time to time be considered relevant and appropriate by the Board.

**26.**—(1) The chief executive, following the agreement of the Board, shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by the Minister and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the discharge by the Authority of its functions over a period of years, as required.

Accounts and  
audits.

(2) The chief executive, under the direction of the Board, shall cause to be kept on a continuous basis proper books of account of all income and expenditure of the Authority, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Authority and shall keep and shall account to the Board for all such special accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept.

(3) The financial year of the Authority shall be the period of 12 months ending on the 31st day of December in any year, and for the purposes of this section and *section 25* the period commencing on the establishment day and ending on the following 31st day of December, shall be deemed to be a financial year.

(4) The Board, the chief executive and the other officers of the Authority shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books and accounts of the Authority in respect of any financial year or other period and shall facilitate any such examination, and the Authority shall pay such fee therefor as may be fixed by the Minister.

(5) The accounts of the Authority for each financial year shall be prepared in such form and manner as may be specified by the Minister. The accounts shall be prepared by the chief executive and approved by the Board as soon as practicable but not later than three months after the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit. A copy of the accounts and the auditor's report thereon shall be presented to the members of the Board and to the Minister as soon as practicable and the Minister shall cause a copy of these documents to be laid before each House of the Oireachtas.

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(6) The chief executive shall be the accountable person in relation to the accounts of the Authority and shall, whenever he or she is so required by a Committee of Dáil Éireann established under Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any account subject to audit by the Comptroller and Auditor General which the chief executive or the Authority is required by or under statute to prepare,
- (b) the economy and efficiency of the Authority in the use of its resources,
- (c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.

Premises of  
Authority.

**27.—**(1) The Authority may for the purposes of providing premises necessary for the due performance of its functions—

- (a) purchase or, with the consent of the Minister for Finance, take on lease any land,
- (b) build, equip and maintain offices and premises.

(2) The Authority may sell or lease any land, offices or premises held by it which are no longer required for the due performance of its functions.

Seal of Authority.

**28.—**(1) The Authority shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Authority shall be authenticated by the signature of—

- (a) the person appointed to chair the Board, or
- (b) (i) a member of the Board, or
- (ii) an officer of the Authority,

authorised by the Board to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Authority and every document purporting to be an instrument made by the Authority and to be sealed with the seal of the Authority (purporting to be authenticated in accordance with *subsection (2)*) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.



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**29.**—The Authority may, subject to the prior approval of or at the request of the Board, from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions and any fees payable by the Authority to a consultant or adviser engaged under this section shall be paid by the Authority out of moneys at its disposal.

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Consultants and advisers.

**30.**—(1) The Authority may seek reports on any matter which in its opinion concerns the safety or hygiene of food from the appropriate Minister of the Government or body established under statute that has overall responsibility for the area to which the matter pertains.

Authority may seek reports in relation to food safety and hygiene.

(2) The Authority may make a report given to it under this section available to the Minister.

### PART III

#### The Board, Scientific Committee, Committees, Chief Executive and Staff of the Authority

**31.**—(1) There shall be a Board, to be known as the Board of the Food Safety Authority of Ireland, to direct and carry out the functions of the Authority in accordance with this Act and it shall satisfy itself as to the adequacy of the systems in place for that purpose and it shall otherwise manage and review the workings of the Authority.

Membership of Board of Authority and term of office of members.

(2) The Minister shall, as soon as may be after the establishment day, appoint persons to be members of the Board.

(3) The Board shall consist of a chairperson and 9 ordinary members, one of whom shall be the chairperson of the Scientific Committee.

(4) The Minister, when appointing an ordinary member of the Board, shall fix such member's period of membership which shall not exceed 5 years and, subject to this section, membership shall be on such terms as the Minister determines.

(5) Four of the ordinary members of the Board appointed under *subsection (2)* shall hold office for a period not exceeding three years from the date of their appointment as determined by the Minister.

(6) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.

(7) A member of the Board may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Authority of the functions of the Authority.

(8) A member of the Board shall cease to be and shall be disqualified from being a member of that Board where such member—

(a) is adjudicated bankrupt,

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- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment, or
- (d) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts, 1963 to 1990).

(9) If a member of the Board dies, resigns, retires, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Board who occasioned the casual vacancy. The person so appointed shall be appointed within 2 months of the Minister being notified of the vacancy.

(10) A member of the Board whose period of membership expires by the effluxion of time shall be eligible for re-appointment as a member of the Board.

(11) The Minister shall, in so far as is practicable, ensure an equitable balance between men and women in the composition of the Board.

Chairperson of Board.

**32.—**(1) The term of office of the chairperson of the Board shall be 5 years.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may at any time resign his or her office as chairperson by letter sent to the Minister and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)* or *(3)*, hold office until the expiration of his or her period of membership of the Board and, if he or she is re-appointed as a member of the Board, he or she shall be eligible for re-appointment as chairperson of the Board.

Meeting of Board.

**33.—**(1) The Board shall hold such and as many meetings as may be necessary for the performance of its functions.

(2) The Minister, in consultation with the chairperson of the Board, shall fix the time of the first meeting of the Board.

(3) The quorum for a meeting of the Board shall be 4.

(4) At a meeting of the Board—

- (a) the chairperson of the Board shall, if present, be the chairperson of the meeting, and

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(b) if and so long as the chairperson of the Board is not present or if the office of the chairperson is vacant, the members of the Board who are present shall choose one of their members to be chairperson of the meeting. Pt.III S.33

(5) At a meeting of the Board, each member of the Board present, including the chairperson, shall have a vote and any question on which a vote is required in order to establish the Board's view on the matter shall be determined by a majority of votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) The Board may act notwithstanding one or more vacancies among its members.

(7) Subject to this Act, the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board.

**34.—**(1) There shall be established, as soon as may be after the establishment day, by the Board a committee ("the Scientific Committee") to assist and advise the Board in relation to matters of a scientific nature referred to it by the Board and to perform the functions assigned to it by this section. Scientific Committee.

(2) The Scientific Committee shall consist of not more than 15 members.

(3) The Scientific Committee shall adopt rules and procedures for the conduct of its meetings and its activities generally and shall submit such rules and procedures to the Board for its approval.

(4) The members (including the chairperson) of the Scientific Committee shall be appointed by the Minister following consultations with the Board.

(5) The Minister when appointing a member of the Scientific Committee shall, in consultation with the Board—

(a) fix such member's period of membership,

(b) fix the terms of his or her membership,

(c) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the Scientific Committee, and in particular, have regard to such qualifications and experience in relation to food safety and hygiene, and

(d) ensure, in so far as is practicable, an equitable balance between men and women in any appointments.

(6) Without prejudice to the generality of *subsection (1)*, the Scientific Committee shall advise the Board where requested by the Board on matters relating to—

(a) scientific and technical questions relating to food safety and hygiene,

(b) the implementation and administration of food inspection services, and

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(c) the nutritional value or content of food.

(7) The Board may specify a period within which advice on matters referred to the Scientific Committee shall be given by the Scientific Committee.

(8) The Board shall not act on any matter it has referred to the Scientific Committee until the Board has received advice from the Scientific Committee on the matter within the time period specified by the Board.

(9) The Scientific Committee may, having established to the best of its ability the budgetary and other resource implications and having—

(a) advised the Board on any matter referred to it by the Board, undertake such other or further investigation, assessment, research or examination into the matter as the Scientific Committee considers appropriate, or

(b) first informed the Board, initiate an investigation, assessment or examination of any matter related to food safety and hygiene as the Scientific Committee considers appropriate.

(10) Where the Scientific Committee undertakes or initiates anything referred to in *subsection (9)*, the Board may set a time limit for receipt by it of the Scientific Committee's advice and the Board shall take no action on or in relation to the subject matter so undertaken or initiated until such time limit has expired or advice has been received, whichever first occurs.

(11) Where the Board has not set such a time limit for receipt of the Scientific Committee's advice on any matter undertaken or initiated by it under *subsection (9)*, the Board may, at its own discretion, delay or defer any action on or in relation to the subject matter undertaken or initiated until advice by the Scientific Committee has been given to it.

(12) The Scientific Committee shall give advice under this section to the Board through the chairperson of the Scientific Committee.

(13) The advice of the Scientific Committee given under this section may be published by the Board.

Subcommittees.

**35.—**(1) The Board or, as appropriate, the Scientific Committee may from time to time establish subcommittees to advise it in relation to the performance of its functions.

(2) The Board or the Scientific Committee may appoint to a subcommittee established under this section persons who have a special knowledge and experience related to the purposes of the subcommittee.

(3) The appointment of a person to a subcommittee established under this section shall be subject to such terms and conditions as the Board or the Scientific Committee may determine.

(4) The Board or Scientific Committee may at any time dissolve a subcommittee established by it under this section.

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(5) The acts of a subcommittee established under this section shall be subject to confirmation by the Board or Scientific Committee, as appropriate, unless the Board or Scientific Committee dispenses with the necessity for confirmation. Pt.III S.35

(6) The Board or Scientific Committee may regulate the procedure of a subcommittee established under this section, but, subject to any such regulation, a subcommittee established under this section may regulate its own procedure.

(7) The Board or, as the case may be, the Scientific Committee shall ensure an equitable balance between men and women in the composition of a subcommittee established by it under this section.

**36.**—There may be paid to the members of the Board (including the chairperson) and members of the Scientific Committee and any subcommittee established under *section 35* such remuneration (if any) and such allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may from time to time determine. Remuneration and allowances.

**37.**—(1) There shall be a chief officer of the Authority who shall be known, and is referred to in this Act, as the chief executive. Chief executive of Authority.

(2) The chief executive shall be appointed by the Board and may be removed from office at any time for stated reasons by the Board with the consent of the Minister.

(3) The chief executive shall carry on and manage and control generally the administration and business of the Authority and perform such other functions as may be determined by the Board.

(4) The chief executive shall hold office for such term and upon and subject to such other terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Minister after consultation with the Board and with the consent of the Minister for Finance and shall be paid out of moneys at the disposal of the Authority in accordance with *section 24*.

(5) The chief executive may make proposals to the Board on any matter relating to the activities of the Authority.

(6) The chief executive shall not hold any other office or position or carry on any business without the consent of the Board.

(7) The chief executive shall not be a member of the Board or of the Scientific Committee or a subcommittee established under *section 35*, but he or she may, in accordance with procedures established by the Board, attend meetings of the Board, Scientific Committee, or any such subcommittees and shall be entitled to speak and advise the relevant meeting.

**38.**—(1) The Board may appoint such and such number of persons to be members of the staff of the Authority as it may determine with the consent of the Minister and the Minister for Finance. Staff of Authority.

(2) The grades of the staff of the Authority and the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Board with the consent of the Minister and the Minister for Finance.

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(3) A member of the staff of the Authority shall—

(a) be paid, out of moneys advanced to the Authority in accordance with *section 24*, such remuneration and allowances for expenses incurred by him or her as the Board may, with the consent of the Minister and the Minister for Finance, determine, and

(b) hold his or her office or employment for such term upon and subject to such other conditions (including terms and conditions relating to remuneration) as may be determined by the Minister after consultation with the Board and with the consent of the Minister for Finance.

(4) Every person who immediately before the establishment day is a member of the staff of the former Authority shall, on that day, be transferred to and become a member of the staff of the Authority.

(5) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (4)* shall not, while in the service of the Authority, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before the establishment day.

(6) A member of the staff of an official agency may, being a person or of a class of person designated for the purpose by the Minister of the Government or other person having responsibility for the official agency concerned, and subject to *subsection (7)* generally and to the consent of the Minister of the Government having responsibility for the official agency concerned, be transferred to the Authority.

(7) Save in accordance with a collective agreement negotiated with any recognised trade unions and associations concerned and with the relevant official agency concerned, and with the consent of the Minister and Minister for Finance a member of the staff of an official agency transferred to the staff of the Authority under *subsection (6)*, shall not, while he or she is in the service of the Authority, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including those relating to tenure of office) to which he or she was subject immediately before his or her transfer.

Superannuation.

**39.—**(1) The Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Authority as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

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(4) A scheme submitted by the Authority under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Board in accordance with its terms. Pt.III S.39

(5) Superannuation benefits granted under schemes under this section to persons who, immediately before the establishment day, were members of the staff of the former Authority and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(6) No superannuation benefit shall be granted by the Authority nor shall any other arrangements be entered into by the Authority for the provision of such a benefit to or in respect of a member of the staff of the Authority otherwise than in accordance with a scheme under this section or with the consent of the Minister and the Minister for Finance.

(7) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under *section 38*, the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and shall be paid by the Authority.

(9) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

**40.—(1)** Where a member of the Board—

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament,
- (c) is regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy,
- (d) becomes a member of a local authority, or
- (e) becomes a member of the board of a health board,

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he or she shall thereupon cease to be a member of the Board.

**(2)** Where a member of the staff of the Authority—

- (a) is nominated as a member of Seanad Éireann,

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(b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

(c) is regarded, pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment with the Authority and shall not be paid by, or be entitled to receive from the Authority remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected (as the case may be), and ending when he or she ceases to be a member of that House or a representative in that Parliament.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament shall, while he or she is entitled or is a member, be disqualified from becoming a member of the Board, or a member of the staff of the Authority.

(4) A person who is a member of a local authority or the board of a health board, shall be disqualified from becoming a member of the Board.

(5) The Authority shall not employ or otherwise retain in any capacity a person who would otherwise be disqualified under this section from becoming a member of the Board save with the approval of the Board.

(6) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with the Authority for the purposes of any superannuation benefits.

Declaration of interests.

**41.—(1)** On his or her appointment, the chief executive, each member of the Board and each member of the Scientific Committee shall make a declaration in writing of his or her interests to the Minister, in such form as the Minister, following consultation with the Minister for Finance, may specify.

(2) On his or her appointment, each consultant and each employee of the Authority at a grade or level specified before the appointment by the Board, following consultation with the Minister, and each member of any subcommittee established under *section 35* designated in this connection by the Board, shall declare his or her interests in writing to the chairperson of the Board and, within 3 months of such declaration, the chairperson shall inform the Board and the Minister of the interests declared and the names of those making the declarations.

(3) A person to whom *subsection (1)* or *(2)* applies shall, throughout the tenure of his or her appointment, amend and update his or her declarations of interests as required by the Minister or the Board, as the case may be, of any change in the interests held by the person.

(4) (a) A statement of the interests declared under *subsection (1)* shall be included in the next report prepared in accordance with *section 25(1)* following the making of the declaration and any subsequent change in a declaration shall also be included in a statement in the next available report.



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(b) The form and context of the statement to be included in such report shall be agreed between the chairperson, the Minister and the Minister for Finance. Pt.III S.41

(c) Notwithstanding the provisions of *paragraph (b)*, it shall not be necessary to specify in a statement in such report the amount or monetary value of any interest, or the remuneration of any trade, profession or employment included in the statement.

(5) Where a person to whom *subsection (1)* applies, fails to make a declaration in accordance with that subsection, the Minister shall decide the appropriate action (including removal from office) to be taken.

(6) Where a person to whom *subsection (2)* applies, fails to make a declaration in accordance with that subsection, the Board shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(7) In this section:

“employment” includes—

- (a) full-time employment,
- (b) part-time paid employment, where such employment is ongoing in the year of appointment or which arises in subsequent years,
- (c) temporary paid employment, being for a period of 16 weeks or more in the year of appointment or in subsequent years, or
- (d) being retained under contract, directly or indirectly, in any capacity as an advisor, consultant or lobbyist, or for the provision of services;

by or in a food business;

“food business” includes—

- (a) any business selling, distributing or marketing food directly to the public (including caterers and retailers),
- (b) any business engaged in distribution, transportation, importing, exporting, storage or wholesaling of food, or
- (c) processing and packaging of food,

and shall be considered a food business where the activity in relation to food constitutes at least one third of the turn-over of the business;

“interests” includes—

- (a) employment by or on behalf of—
  - (i) a food business,
  - (ii) any organisation representative of food businesses, or
  - (iii) any organisation representative of food producers,

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- (b) ownership of a food business,
- (c) ownership of agricultural land used by the party concerned for or in connection with the production of food for sale, either directly or through another party, to the consumer,
- (d) shares in, bonds or debentures of, or other like investments in a food business, where the aggregate of such holdings exceeds £7,000,
- (e) a directorship or shadow directorship (within the meaning of the Companies Acts, 1963 to 1990) in a food business, held currently or during the previous two years, or
- (f) gifts of travel, holidays, transport, money (in excess of £500) or other benefits, including benefits from any beneficial interest in or connected with a food business or agricultural land, during the previous two years which were received by the person being appointed or by his or her spouse;

“ownership” includes—

- (a) any proprietary interest in agricultural land or a food business, whether that interest is freehold, leasehold or beneficial, and shall apply,
- (b) where the interest is held solely by the person being appointed or shared with one or more other persons, or
- (c) where the interest, at the time of appointment, has a value of £15,000 or more.

Disclosure of  
interests.

**42.—**(1) Where the chief executive, a member of the Board, a member of the staff of the Authority, a member of the Scientific Committee or a subcommittee established under *section 35*, or a consultant, adviser or other person engaged by the Authority, has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board, the Scientific Committee, or subcommittee established under this Act, as the case may be, he or she shall—

- (a) disclose to the Board, the Scientific Committee or subcommittee, as the case may be, the nature of his or her interest in advance of any consideration of the matter,
- (b) neither influence nor seek to influence a decision in relation to the matter,
- (c) take no part in any consideration of the matter,
- (d) if he or she is a chief executive, a member of the Board, the staff of the Authority, the Scientific Committee or subcommittee established under this Act, withdraw from the meeting for so long as the matter is being discussed or considered by the Board, the Scientific Committee or a subcommittee established under this Act, as the case may be, and shall not vote or otherwise act as such chief executive or member in relation to the matter.

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(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest if— Pt.III S.42

- (a) he or she or any member of his or her household, or any nominee of his or her or any member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in that subsection,
- (b) he or she or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter,
- (c) he or she or any member of his or her household is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
- (d) any member of his or her household has a beneficial interest in, or material to, such a matter.

(3) For the purposes of this section a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of his or her or of any company or of any other body or person mentioned in *subsection (2)* which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question with respect to the matter, or in performing any function in relation to that matter.

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question shall be determined by the Board and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Where a disclosure is made to the Board, the Scientific Committee or a subcommittee pursuant to *subsection (1)*, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(6) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

**43.—(1)** Save as otherwise provided by law, a person shall not, without the consent of the Board, disclose any information obtained by him or her while performing (or as a result of having performed) duties as— Disclosure of information.

- (a) a member of the Board,
- (b) a member of the staff of the Authority (including the chief executive),
- (c) a member of the Scientific Committee, or a subcommittee established under *section 35*, or
- (d) an adviser or consultant to the Authority,

or obtained while in performance of a service contract.

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(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

(3) Nothing in *subsection (1)* shall prevent the disclosure of information in a report made to the Board or by or on behalf of the Authority to the Minister.

PART IV

Enforcement of Food Safety Standards

Commencement of  
*Part IV.*

**44.**—This Part shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Power of Authority  
to enforce food  
safety standards in  
food legislation.

**45.**—Subject to *section 57*, in any food legislation, passed or made before the establishment day, any functions of an official agency in relation to the enforcement of the legislation shall be deemed to be a function of the Authority.

Food inspections,  
etc.

**46.**—For the purposes of *section 11*, the Authority shall carry out or arrange to have carried out on its behalf under *section 48* the following:

- (a) the inspection, approval, licensing or registration of premises and equipment, including premises or equipment used in connection with the manufacture, processing, disposal, transport and storage of food,
- (b) the inspection, sampling and analysis of food, including food ingredients, and
- (c) the inspection and analysis of food labelling,

to determine compliance with food legislation.

Additional  
inspections.

**47.**—For the purposes of *section 11*, and in addition to the powers of inspection under food legislation or *section 46*, the Authority may, in the case of a particular circumstance identified by an authorised officer which is in the interest of food safety and hygiene, carry out or arrange to have carried out such additional inspections as it considers necessary for the discharge of its functions under this Act, and any such inspections shall as far as is practicable be carried out by or on behalf of the Authority in consultation with such persons as it considers appropriate.

Service contracts.

**48.**—(1) The Authority may for the purposes of carrying out its functions under *section 46* enter into a contract (“service contract”) with—

- (a) in the case of any food legislation mentioned in the *First Schedule* at the passing of this Act, the official agency responsible immediately before the commencement of *section 45* for the enforcement of those standards in that legislation,

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(b) in the case of any food legislation mentioned in the *First Schedule* inserted by order under *section 5* after the passing of this Act, the official agency responsible immediately before the making of the order (or, where the order contains a commencement provision, its commencement) for the enforcement of those standards in that legislation, or

(c) the relevant official agency in relation to any food legislation passed or made after the establishment day and deemed to be food legislation for the purposes of this Act.

(2) An official agency carrying out functions under a service contract shall be acting on behalf of and as an agent for the Authority.

(3) The Authority shall specify the following matters to an official agency with which it proposes to enter into a service contract—

(a) the objectives and targets for food inspections it wishes the official agency to meet, having regard to the resources available to the official agency,

(b) the timeframe in which it wishes to have the targets and objectives achieved, and

(c) any other matter considered necessary by the Authority.

(4) An official agency which proposes to enter into a service contract with the Authority shall indicate to the Authority the means by which it proposes to meet those targets and objectives, including the resources it proposes to deploy in performance of the service contract.

(5) A service contract shall be in force for a period of not less than 3 years and may, at the request of either party, be subject to review during that period.

(6) Any service contract shall be published by the Authority within 3 months of being entered into.

(7) The Authority shall publish within 3 months the changes to and the reasons for such changes to a contract arising from any review carried out in accordance with *subsection (5)*.

(8) The official agency concerned shall within 3 months of the end of each year of the contract, provide to the Authority an annual report, or at the request of the Authority more frequent reports, on the implementation of the service contract and the Authority may, if it considers it appropriate, publish such reports.

(9) The Authority shall take such measures as it considers appropriate to determine whether an official agency is adequately carrying out inspections under a service contract.

(10) An official agency which indicates to the Authority that it does not wish to enter into or renew a service contract with the Authority shall inform the Minister as soon as may be of its indication through the Minister of the Government or other person having responsibility for the official agency and give reasons for its indication.

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(11) An official agency which enters into a service contract shall provide the necessary resources for the performance of the contract.

(12) Where an official agency fails to enter into a service contract or, in the opinion of the Authority, an official agency has failed to discharge all or a significant or material part of its obligations under a service contract, the Authority, without delay and following consultations with the Minister of the Government or other person having responsibility for the official agency concerned, shall put in place such arrangements as it considers necessary for the performance of the subject matter of the service contract in question.

(13) The Authority may make a special report to the Minister in cases of full or significant non-performance of a service contract and the Minister shall cause copies of such report to be laid before each House of the Oireachtas.

Authorised officers.

**49.—**(1) The Board or the chief executive may appoint in writing persons to be authorised officers for the purposes of this Act.

(2) The Board or the chief executive may appoint in writing any person to be an authorised officer for a fixed period for the purposes of all or any of the provisions of this Act.

(3) An official agency, where it has entered into a service contract with the Board, shall appoint persons to be authorised officers for the purpose of that contract and shall, as soon as may be, inform the Authority of any such appointment and such persons shall have all the powers available to authorised officers under this Act while in performance of a service contract.

(4) Every authorised officer appointed under this section shall be furnished by the Authority or the official agency, as the case may be, with a warrant of his or her appointment as an authorised officer and when exercising any power conferred on him or her by this section as an authorised officer shall, if requested by a person affected, produce the warrant or a copy thereof to that person.

(5) An appointment under this section as an authorised officer shall cease—

(a) in the case of an appointment made by the Board or the chief executive, where the Board or the chief executive, as the case may be, revokes the appointment,

(b) in the case of an appointment made by an official agency, where the relevant service contract is determined,

(c) where it is for a fixed period, upon the expiry of that period,  
or

(d) where the person appointed is an officer of an official agency or of the Authority, upon his or her ceasing to be such an officer.

Powers of  
authorised officers.

**50.—**(1) Without prejudice to the provisions of any food legislation, an authorised officer may, for the purpose of obtaining any information which may be required in order to enable the Authority to exercise its functions under this Act or an official agency to exercise its functions under a service contract—

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- (a) require any employee of the Authority or of an official agency, a former employee of the Authority or an official agency or any person otherwise currently or previously retained by an official agency, or any person who carries or has carried on any trade, business or activity to which this Act relates or any person currently or previously employed in connection with that trade, business or activity to produce to him or her such records, and in the case of such information in a non-legible form to reproduce it in a permanent legible form, or to give to him or her such information, as the officer may reasonably require in relation to any entries in such records, Pt.IV S.50
- (b) at all reasonable times enter any premises, subject to *subsection (2)*, at which there are reasonable grounds to believe that any trade, business or activity in connection with the production, processing, disposal, manufacture, exportation, importation, storage, distribution or sale of food is, or has been, carried on, or that records in relation to such trade, business or activity are kept, and search and inspect the premises, and any records in or on the premises,
- (c) secure for later inspection any premises or any part thereof in which such records are kept or there are reasonable grounds for believing that such records are kept,
- (d) inspect and take copies of or extracts from any such records (including in the case of information in a non-legible form a copy of or extract from such information in a permanent legible form),
- (e) remove and retain the said records for such period as may be reasonable for further examination,
- (f) require a person referred to in *paragraph (a)* to give to the officer any information which the officer may reasonably require in regard to the trade, business or activity or in regard to the persons carrying on such trade, business or activity or employed in connection with that trade, business or activity,
- (g) require any person referred to in *paragraph (a)* by or on whose behalf data equipment is or has been used in relation to a business within the meaning of *paragraph (b)* or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material, to afford the officer all reasonable assistance in relation to its use thereto,
- (h) summon, at any reasonable time, any other person being or having been an employee of the Authority or of an official agency or retained or having been retained by the Authority or an official agency or employed in connection with the trade, business or activity under examination by the Authority or by its agent, by virtue of a service contract to give to the officer any information which the officer may reasonably require in regard to that trade, business or activity and to produce to the officer any records which are in that person's power or control.

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(2) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under *subsection (4)* authorising such entry.

(3) An authorised officer, where he or she considers it necessary, may require a member of the Garda Síochána to assist him or her when performing any powers conferred on an authorised officer by this Act which involves the breaking open of any premises or any other action in which the use of force may be necessary and is lawful and any member of the Garda Síochána so required shall, unless he or she has reasonable excuse, comply with the requirement.

(4) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under this section held in any premises, the judge may issue a warrant authorising an authorised officer, accompanied if appropriate by other authorised officers or by a member of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter that premises, if need be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under this section.

(5) A person who, without reasonable excuse, fails to comply with a requirement (other than a requirement under *subsection (3)*) made by an authorised officer under this Act shall be guilty of an offence.

(6) A person guilty of an offence under *subsection (5)* shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 3 months or to both, or

(b) on conviction on indictment, to a fine not exceeding £100,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) Where a person, after conviction of an offence under *subsection (5)*, continues to contravene that provision, he or she shall be guilty of an offence on every day on which the contravention continues and for each such offence he or she shall be liable to a fine—

(a) on summary conviction, not exceeding £500, or

(b) on conviction on indictment, not exceeding £15,000.

(8) A person who obstructs or interferes with an authorised officer in the exercise of his or her powers under this Act or gives an authorised officer information which the person knows to be false or misleading shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 3 months, or to both.

Taking of samples.

**51.**—(1) For the purposes of food inspections to be carried out by or on behalf of the Authority, and without prejudice to the provision of any food legislation concerning the sampling and analysis of food, the Minister, following consultation with the Authority, may—



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(a) make regulations—

- (i) for the taking of samples of food or materials or articles used or intended for use in the preparation or manufacture of food (including packaging and machinery) or of articles which are by-products of the manufacture of food, and
- (ii) to enable the carrying out of tests, examinations and analyses of such samples,

(b) following consultation with the Scientific Committee, prescribe—

- (i) the certificate or other evidence to be given of the result of any test, examination or analysis carried out in accordance with such regulations, and
- (ii) the persons or the classes of persons by and to whom such certificate or evidence is to be given.

(2) Any certificate or other evidence provided in accordance with regulations made under *subsection (1)* or with relevant food legislation shall be *prima facie* evidence in respect of the result of a test, examination or analysis of a sample, and such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test, examination or analysis and that such test, examination or analysis was carried out under and in accordance with this Act or other food legislation until the contrary is shown.

(3) A person who obstructs a person authorised by the Authority to take samples under regulations made under *subsection (1)* shall be guilty of an offence and shall be liable to a fine not exceeding £1,500.

**52.—(1)** Where an authorised officer is of the opinion—

Improvement  
notices and orders.

- (a) that at any premises (or part of a premises and including any premises on lands contiguous or adjacent to the premises) any activity which involves the handling, preparation, processing, manufacturing, distribution, storage or selling of food, or
- (b) that the condition of any premises (or part of a premises and including any premises or lands contiguous with or adjacent to the premises) at, in or on which these activities are carried out,

is of such a nature that if it persists, it will or is likely to pose a risk to public health, the officer may, following consultations with the chief executive or such other officer of the Authority or an official agency designated in that behalf by the Board, serve, or arrange to have served, on the proprietor or person in charge a notice (“improvement notice”) signed by the officer or the chief executive or other officer of the Authority or official agency designated in that behalf by the Board, and stating that he or she is of that opinion and the notice shall—

- (i) identify the activity or defect in the premises (or part thereof) giving rise to the risk,

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- (ii) require that remedial action be taken and, if appropriate, shall specify the nature or details or such remedial action,
- (iii) specify a time limit by which the remedial action is to be completed or implemented, and
- (iv) shall include any other requirements as are considered necessary in the given circumstances by the authorised officer.

(2) An improvement notice shall be served on the proprietor or person in charge of the premises and shall be effective immediately or, as appropriate, from a date specified in the notice and the Board shall be notified at the next available meeting of the Board of any such service.

(3) The chief executive or a member of the staff of the Authority or a member of the Board, authorised by the Board in this connection, may, for stated reasons, revoke or vary an improvement notice made in accordance with this section and the Board shall be notified at the next available meeting of the Board of any such revocation or variation and the reasons therefor.

(4) Where an improvement notice is not complied with or is not complied with to the satisfaction of an authorised officer, the Authority or official agency may seek an order (“improvement order”) of the District Court addressed to the proprietor or person in charge, directing him or her to comply with the improvement notice and the order shall specify—

- (a) the remedial work to be undertaken,
- (b) the time limit for completion or implementation of the remedial work, and
- (c) such other requirement, if any, as the Court may consider appropriate.

(5) An improvement order shall provide that the Authority or official agency may serve a closure order—

- (a) where the improvement order is not complied with within the time specified in the improvement order, or
- (b) where there are circumstances specified in the improvement order which arise prior to the expiry of the time limit specified in the improvement order which warrant the serving of a closure order.

(6) Nothing in this section shall prevent the Authority or official agency from serving a closure order at any time in respect of any premises which is subject to an improvement notice if, in the opinion of an authorised officer, the circumstances require the service of a closure order.

Closure orders.

**53.—**(1) Where an authorised officer is of the opinion that there is or is likely to be a grave and immediate danger to public health at, in or on any premises or part thereof or where the authorised officer is unable to establish to his or her satisfaction, due to any obstruction, the level of or the extent to which such a danger, if any, exists, the authorised officer may, following consultations with the chief executive or such other officer of the Authority or an official

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agency designated in that behalf by the Board, serve, or arrange to have served, on the proprietor or person in charge of the premises a notice (“closure order”) signed by the officer or the chief executive or other officer of the Authority or official agency designated in that behalf by the Board, stating that he or she is of that opinion, and the closure order shall, as appropriate—

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- (a) state that the authorised officer is of the opinion that the premises or part thereof to which the order relates should be closed,
- (b) specify the matters which in his or her opinion give or, as the case may be, are likely to give rise to the said risk,
- (c) where in his or her opinion any of those matters involves or, as the case may be, will involve a contravention of any of the food legislation state that he or she is of that opinion, specify the provision or provisions as to which he or she is of that opinion, and give particulars of the reasons why he or she is of that opinion, and
- (d) direct that the premises be closed unless and until the matters specified in the order in pursuance of *paragraph (b)* and any associated contravention of provisions so specified in pursuance of *paragraph (c)* have been remedied.

(2) The Board shall be notified at the next available meeting of the Board of the service of a closure order.

(3) A closure order shall take effect—

- (a) where the order so declares, immediately the closure order is received by the person on whom it is served,
- (b) in any other case—
  - (i) where no appeal is taken against the closure order, on the expiration of the period during which such an appeal may be taken or the day specified in the closure order as the day on which it is to come into effect, whichever is the later, or
  - (ii) in case such an appeal is taken, on the day next following the day on which the closure order is confirmed on appeal or the appeal is withdrawn or the day specified in the closure order as that on which it is to come into effect, whichever is the later.

(4) The bringing of an appeal against a closure order which is to take effect in accordance with *subsection (3)(a)* shall not have the effect of suspending the operation of the closure order, but the appellant may apply to the court to have the operation of the closure order suspended until the appeal is disposed of and, on such application, the court may, if it thinks proper to do so, direct that the operation of the order be suspended until the appeal is disposed of.

(5) (a) A person who is aggrieved by a closure order may, within the period of 7 days beginning on the day on which the closure order is served on him or her, appeal against the order to a judge of the District Court in the district court district in which the order was served in the prescribed manner and in determining the appeal the judge may—

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(i) if he or she is satisfied that in the circumstances of the case it is reasonable to do so, confirm the closure order, with or without modification, or

(ii) cancel the closure order.

(b) Where on the hearing of an appeal under this section a closure order is confirmed, notwithstanding *subsection (4)* the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the closure order for such period as in the circumstances of the case the district judge considers appropriate.

(6) A person who appeals against a closure order or who applies for a direction suspending the application of the closure order under *subsection (4)* shall at the same time notify the Authority or official agency of the appeal or the application and the grounds for the appeal or the application and the Authority or official agency shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(7) The chief executive or other person, being an employee of the Authority or member of the Board, authorised by the Board in this connection, may, for stated reasons, revoke or vary a closure order made in accordance with this section and the Board shall be notified at the next available meeting of the Board of any such revocation or variation and the reasons therefor.

(8) (a) Where a closure order has been served and activities are carried on in contravention of the order, the High Court may, on the application of an authorised officer, by order prohibit the continuance of the activities and order the closure of the premises.

(b) An application to the High Court for an order under this subsection shall be by motion and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under this subsection is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(9) The chief executive shall, in the interests of public health and consumer protection, make such arrangements as he or she considers appropriate or necessary to bring the contents of a closure order to the attention of the public.

Withdrawal of food products.

**54.—**(1) Where, as regards any activities which involve the handling, processing, disposal, manufacturing, storage, distribution or selling of food to which this section applies, an authorised officer is of the opinion that the activities involve or, are likely to involve, a serious risk to public health, the authorised officer may, following consultations with the chief executive or such other officer of the Authority or an official agency designated in that behalf by the Board, serve, or arrange to have served, on the proprietor or person in charge of the food in question a notice (“prohibition order”) signed by the officer or the chief executive or other officer of the Authority or official agency designated in that behalf by the Board, stating that he or she is of that opinion and the prohibition order shall—

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- (a) state that the authorised officer is of the opinion that a particular consignment, class, batch or item of food should be withdrawn from sale (whether or not the product is on the market for sale in the State or elsewhere), Pt.IV S.54
- (b) specify the matters which in his or her opinion give or, as the case may be, are likely to give rise to the said risk,
- (c) where in his or her opinion any of those matters involves or, as the case may be, will involve a contravention of any of the food legislation, state that he or she is of that opinion, specify the provision or provisions as to which he or she is of that opinion, and give particulars of the reasons why he or she is of that opinion, and
- (d) in respect of any or all of the following, direct the person on whom the prohibition order is served to ensure that the food—
- (i) is not used for human consumption,
  - (ii) is recalled from sale or distribution (whether or not the food is on sale or being or has been distributed for sale in the State or elsewhere),
  - (iii) as appropriate in the interests of public health, is rendered safe for human consumption or is detained or is destroyed in a manner prescribed by the authorised officer,

and, in the event of non-compliance or delay by the person on whom the notice has been served, an authorised officer of the Authority or official agency shall, following consultations with the chief executive or other officer of the Authority or official agency designated in that behalf by the Board, take whatever steps are considered necessary to ensure compliance with the direction given under this subsection and this may include the seizure and destruction of the products in question or the making of any arrangements for such seizure or destruction or both.

(2) The Board shall be notified at the next available meeting of the Board of the service of a prohibition order.

(3) The chief executive shall, in the interest of public health and consumer protection, make such arrangements as he or she considers necessary or appropriate to—

- (a) bring the matter giving rise to the prohibition notice to the attention of the public,
  - (b) notify (by means of any agreed mechanism for doing so, where such a mechanism exists) the competent regulatory authorities in other countries where the food is on sale or is or has been distributed for sale of the prohibition order.
- (4) A prohibition order shall take effect—
- (a) where the order so declares, immediately the notice is received by the person on whom it is served,
  - (b) in any other case—

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- (i) where no appeal is taken against the prohibition order, on the expiration of the period during which such an appeal may be taken or the day specified in the prohibition order as the day on which it is to come into effect, whichever is the later, or
- (ii) in case such an appeal is taken, on the day next following the day on which the prohibition order is confirmed on appeal or the appeal is withdrawn or the day specified in the prohibition order as that on which it is to come into effect, whichever is the later.

(5) The bringing of an appeal against a prohibition order which is to take effect in accordance with *subsection (4)(a)* shall not have the effect of suspending the operation of the prohibition order, but the appellant may apply to the Court to have the operation of the prohibition order suspended until the appeal is disposed of and, on such application, the Court may, if it thinks proper to do so, direct that the operation of the prohibition order be suspended until the appeal is disposed of.

(6) (a) A person who is aggrieved by a prohibition order may, within the period of 7 days beginning on the day on which the prohibition order is served on him or her, appeal against the order to a judge of the District Court in the district court district in which the prohibition order was served in the prescribed manner and in determining the appeal the judge may—

- (i) if he or she is satisfied that in the circumstances of the case it is reasonable to do so, confirm the prohibition order, with or without modification, or
- (ii) cancel the prohibition order.

(b) Where on the hearing of an appeal under this section a prohibition order is confirmed, notwithstanding *subsection (4)* the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the prohibition order for such period as in the circumstances of the case the district judge considers appropriate.

(7) A person who appeals against a prohibition order or who applies for a direction suspending the application of the prohibition order under *subsection (5)* shall at the same time notify the Authority or official agency of the appeal or the application and the grounds for the appeal or the application and the Authority or official agency shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(8) The chief executive or other person, being an employee of the Authority, or member of the Board, authorised by the Board in this connection, may, for stated reasons, revoke or vary a prohibition order made in accordance with this section and the Board shall be notified at the next available meeting of the Board of any such revocation or variation and the reasons therefor.

(9) (a) Where a prohibition order has been served and activities are carried on in contravention of the prohibition order, the High Court may, on the application of an authorised officer, by order prohibit the continuance of the activities.

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- (b) An application to the High Court for an order under this subsection shall be by motion and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under this subsection is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate. Pt.IV S.54

**55.**—(1) Where the Board is satisfied that an authorised officer, or any other member of the staff of the Authority, has discharged his or her duties in pursuance of the functions of the Authority in a bona fide manner, the Board shall indemnify the authorised officer, or such member of the staff of the Authority, against all actions or claims howsoever arising in respect of the discharge by him or her of his or her duties. Indemnification of authorised officers, etc.

(2) A member of the Garda Síochána shall not be liable for any loss or damage occasioned by or in the course of assisting an authorised officer in accordance with *section 50(3)*.

**56.**—(1) Any notice required to be served or given by or under this Part shall be addressed to the person concerned and served or given in one of the following ways— Service of notices, etc.

- (a) by addressing it to the person by name and delivering it to him or her,
- (b) by leaving it at the address at which the person ordinarily resides or carries on business,
- (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides or carries on business,
- (d) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address,
- (e) where the address at which the person ordinarily resides or carries on business cannot be ascertained by reasonable inquiry and notice is required to be served on, or given to, him or her in respect of any premises by delivering it to a person over the age of 16 years resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises, or
- (f) where there is a facility for receiving a facsimile of the notice by electronic means at the address at which the person ordinarily resides or carries on business, by transmitting a facsimile of the notice by such means to that address, provided that the notice is also served or given in any of the other ways referred to in this subsection.

(2) Where the name of the person concerned cannot be ascertained by reasonable inquiry, a notice under this Act may be addressed to “the occupier”, “the owner” or “the person in charge”, as the case may be.

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(3) For the purposes of this section, a company registered under the Companies Acts, 1963 to 1990, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person shall not at any time during the period 3 months after a notice is affixed under *subsection (1)(e)* remove, damage or deface the notice without lawful authority.

(5) A person who contravenes *subsection (4)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 and, in the case of a continuing offence, to a further fine not exceeding £25 for each day on which the offence is continued.

Prosecution of  
summary offences  
under food  
legislation.

**57.—**(1) Proceedings in relation to a summary offence under any food legislation may continue to be brought and prosecuted by the official agency which had responsibility, immediately before the commencement of *section 45*, for the enforcement of the food legislation concerned.

(2) Proceedings in relation to a summary offence under any food legislation, committed after the commencement of *section 45*, may be also brought and prosecuted by the Authority.

PART V

Dissolution of Former Authority

Dissolution of  
former Authority.

**58.—**(1) The former Authority shall, on the establishment day, become and be dissolved.

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to the former Authority shall, on and after that day, be construed as references to the Authority.

Transfer of assets  
and liabilities of  
former Authority.

**59.—**(1) The following shall be and hereby are transferred to the Authority on the establishment day—

(a) all property and rights relating to such property held or enjoyed immediately before that day by the former Authority or any trustee or agent thereof acting on its behalf, and

(b) all liabilities incurred before that day by the former Authority or any trustee or agent thereof acting on its behalf that had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, real and personal, shall, on that day, vest in the Authority for all the estate, term or interest for which, immediately before that day, it was so vested in the former Authority, as the case may be, but subject to all trusts and equities affecting the property subsisting and capable of being performed,



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(ii) the said rights shall, as on and from that day, be enjoyed by the Authority, and Pt.V S.59

(iii) the said liabilities shall, as on and from that day, be liabilities of the Authority.

(2) All moneys, stocks, shares and securities transferred to the Authority by this section that, on the establishment day, are standing in the name of the former Authority or any said trustee or agent thereof shall, upon the request of the Authority, be transferred into its name.

(3) Every right and liability transferred to the Authority by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name and it shall not be necessary for the Authority to give notice to the person whose right or liability is transferred by this section of the transfer.

**60.**—(1) Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the former Authority to any person or given by any person to and accepted by or on behalf of the former Authority and every contract or agreement made between the former Authority, or any trustee or agent thereof acting on its behalf, and any other person and in force but not fully executed and completed immediately before the establishment day shall continue in force on or after that day and shall be construed and have effect as if the name of the Authority was substituted therein for that of the former Authority or, as appropriate, its said trustee or agent and shall be enforceable by or against the Authority.

Preservation of certain continuing contracts and adaptation of references to former Authority.

(2) References to the former Authority, or any trustee or agent thereof acting on its behalf, contained immediately before the establishment day in the memorandum and articles of association of any company shall, on and after that day, be construed as references to the Authority.

**61.**—Nothing in this Act shall affect the validity of any act that was done before the establishment day by or on behalf of the former Authority and every such act shall, if and in so far as it was operative immediately before that day, have effect on and after that day as if it had been done by or on behalf of the Authority.

Saving for certain acts.

**62.**—Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the former Authority, or any trustee or agent thereof acting on its behalf, is a party to the proceedings, the name of the Authority shall be substituted therein for that of the former Authority or, as appropriate, the said trustee or agent thereof and the proceedings shall not abate by reason of such substitution.

Pending legal proceedings.

**63.**—For the purposes of the Capital Gains Tax Acts (within the meaning of section 1 of the Taxes Consolidation Act, 1997), any gain accruing to the former Authority on a disposal made by virtue of *section 59* shall not be a chargeable gain.

Exemption from capital gains tax.

**64.**—The Food Safety Authority of Ireland (Establishment) Order, 1997 (S.I. No. 524 of 1997), is hereby, on the establishment day, revoked.

Revocation.

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PART VI

Amendment of the Radiological Protection Act, 1991

Amendment of  
Radiological  
Protection Act,  
1991.

**65.**—The Radiological Protection Act, 1991, is hereby amended by—

- (a) in section 28(1), the insertion after “Institute” of “and the Food Safety Authority of Ireland, after consultation with the Institute,”,
- (b) in section 31(1), the substitution for “Environment, Health and the Marine and the Institute” of “Environment and Local Government, Health and Children and the Marine and Natural Resources, the Institute and the Food Safety Authority of Ireland”,
- (c) in section 32—
  - (i) the substitution for “and the Institute” of “; the Institute and the Food Safety Authority of Ireland” in each place it occurs, and
  - (ii) the insertion after “Health” of “and Children” in each place it occurs,
- (d) in section 33(1), the insertion after “Agriculture and Food” of “in co-operation with the Food Safety Authority of Ireland” and after “he” of “or it”,
- (e) in section 33(2), the insertion after “Agriculture and Food” of “in co-operation with the Food Safety Authority of Ireland” and after “he” of “or it”,
- (f) in section 33(3), the substitution for “The Minister for the Marine” of “The Minister for the Marine and Natural Resources in co-operation with the Food Safety Authority of Ireland” and the insertion after “he” of “or it”,
- (g) in section 33(4), the insertion after “Finance” of “in co-operation with the Food Safety Authority of Ireland” and after “he” of “or it”,
- (h) in section 41(6), after “inspector” of “or by the Food Safety Authority of Ireland, in respect of an offence committed after its establishment, if the Food Safety Authority of Ireland appointed that inspector”, and
- (i) in section 41, after subsection (6) to insert the following subsection:
  - “(7) A summary offence under a regulation made under section 32(1) of this Act, committed after the establishment of the Food Safety Authority of Ireland, may be prosecuted by the Food Safety Authority of Ireland.”.

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FIRST SCHEDULE

*Section 2.*

Food Legislation

PART I

Acts

Abattoirs Act, 1988	(No. 8 of 1988)
Agricultural Produce (Fresh Meat) Acts, 1930 to 1988	
Agricultural Produce (Meat) (Miscellaneous Provisions) Act, 1954	(No. 33 of 1954)
Agricultural Produce (Meat) (Miscellaneous Provisions) Act, 1978	(No. 13 of 1978)
Butter and Margarine Act, 1907	(7 Edw. 7.c.21)
Food Standards Act, 1974	(No. 11 of 1974)
Health Act, 1947	(No. 28 of 1947)
Margarine Act, 1887	(50 & 51 Vict. c.29)
Pigs and Bacon Acts, 1935 to 1988	
Poisons Act, 1961	(No. 12 of 1961)
Sale of Food & Drugs Acts, 1875 to 1936.	

PART II

Statutory Instruments

European Communities (Arsenic and Lead in Food) Regulations, 1972 (S.I. No. 44 of 1972)	
European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 (S.I. No. 205 of 1982)	
European Communities (Eruic Acid in Food) (Method of Analysis) Regulations, 1982 (S.I. No. 271 of 1982)	
European Communities (Food Additives) (Purity Criteria Verification) Regulations, 1983 (S.I. No. 60 of 1983)	
European Communities (Vinyl Chloride in Food) (Method of Analysis) Regulations, 1984 (S.I. No. 92 of 1984)	
European Communities (Antioxidant in Food) (Purity Criteria) Regulations, 1985 (S.I. No. 187 of 1985)	
European Communities (Natural Mineral Waters) Regulations, 1986 (S.I. No. 11 of 1986)	
European Communities (Pesticide Residues) (Cereals) Regulations, 1988 to 1998	
European Communities (Pesticide Residues) (Foodstuffs of Animal Origin) Regulations, 1988 to 1998	
European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1989 (S.I. No. 105 of 1989)	
European Communities (Preservatives in Food) (Purity Criteria) Regulations, 1989 (S.I. No. 262 of 1989)	
European Communities (Egg Products) Regulations, 1991 (S.I. No. 293 of 1991)	
European Communities (Materials and Articles Intended to Come Into Contact With Foodstuffs) Regulations, 1991 (S.I. No. 307 of 1991)	
European Communities (Flavourings for use in Foodstuffs for Human Consumption) Regulations, 1992 (S.I. No. 22 of 1992)	
European Communities (Marketing Standards for Eggs) Regulations, 1992 (S.I. No. 254 of 1992)	
European Communities (Quick Frozen Foodstuffs) Regulations, 1992 (S.I. No. 290 of 1992)	
Radiological Protection Act, 1991 (General Control of Radioactive Substances, Nuclear Devices and Irradiating Apparatus) Order, 1993 (S.I. No. 151 of 1993)	
European Communities (Minced Meat) Regulations, 1994 (S.I. No. 215 of 1994)	
European Communities (Infant Formulae) Regulations, 1994 (S.I. No. 459 of 1994)	
European Communities (Meat Products and Other Products of Animal Origin) Regulations, 1995 (S.I. No. 126 of 1995)	
European Communities (Rabbitmeat and Farmed Game Meat) Regulations, 1995 (S.I. No. 278 of 1995)	
European Communities (Wild Game Meat) Regulations, 1995 (S.I. No. 298 of 1995)	
European Communities (General Provisions on the Control of Additives, and in particular Colours and Sweeteners for use in Foodstuffs) Regulations, 1995 (S.I. No. 344 of 1995)	
European Communities (Monitoring of Temperature in the Means of Transport, Warehousing and Storage of Quick-Frozen Foodstuffs and Sampling Procedure and Methods of Analysis for Control of the Temperatures of Quick-Frozen Foods Intended for Human Consumption) Regulations, 1995 (S.I. No. 370 of 1995)	
European Communities (Fresh Poultrymeat) Regulations, 1996 (S.I. No. 3 of 1996)	

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- European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk-Based Products) Regulations, 1996 (S.I. No. 9 of 1996) (other than Regulations 6 to 11)
- European Communities (Live Bivalve Molluscs) (Health Conditions for Production and Placing on the Market) Regulations, 1996 (S.I. No. 147 of 1996)
- European Communities (Fishery Products) (Health Conditions and Hygiene Rules for Production and Placing on the Market) Regulations, 1996 (S.I. No. 170 of 1996)
- European Communities (Minced Meat and Meat Preparations) Regulations, 1996 (S.I. No. 243 of 1996)
- European Communities (Detailed Provisions on the Control of Additives, other than Colours and Sweeteners, for use in Foodstuffs) Regulations, 1997 (S.I. No. 128 of 1997)
- European Communities (Pesticide Residues) (Fruit and Vegetables) (Amendment) Regulations, 1997 (S.I. No. 218 of 1997)
- European Communities (Pesticide Residues) (Products of Plant Origin, including Fruit and Vegetables) Regulations, 1997 (S.I. No. 221 of 1997)
- European Communities (Suspension of Imports of Pistachios and Certain Products Derived from Pistachios Originating in or Consigned from Iran) Regulations, 1997 (S.I. No. 432 of 1997)
- European Communities (Fresh Meat) Regulations, 1997 (S.I. No. 434 of 1997)
- European Communities (Pesticide Residues) (Products of Plant Origin, including Fruit and Vegetables) (Amendment) Regulations, 1998 (S.I. No. 71 of 1998)
- European Communities (Official Control of Foodstuffs) Regulations, 1998 (S.I. No. 85 of 1998)
- European Communities (Hygiene of Foodstuffs) Regulations, 1998 (S.I. No. 86 of 1998)
- European Communities (Official Control of Foodstuffs) (Approved Laboratories) Order, 1998 (S.I. No. 95 of 1998).

PART III

Regulations of an Institution of the European Communities

- Commission Regulation (EC) No. 194/97<sup>1</sup> of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs
- Council Regulation (EEC) No. 315/93<sup>2</sup> of 8 February 1993 laying down Community procedures for contaminants in food
- Regulation (EC) No. 258/97 of the European Parliament and of the Council<sup>3</sup> of 27 January 1997 concerning novel foods and novel food ingredients.

<sup>1</sup> O.J. No. L031 of 01.02.1997, p. 48.

<sup>2</sup> O.J. No. L037 of 13.02.1993, p. 1.

<sup>3</sup> O.J. No. L043 of 14.02.1997, p. 1.

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SECOND SCHEDULE

*Section 2.*

Official Agencies

Each of the following shall be an official agency for the purposes of this Act:

the Director of Consumer Affairs,

a health board,

a local authority,

the Minister for Agriculture and Food,

the Minister for Health and Children,

the Minister for the Environment and Local Government,

the Minister for the Marine and Natural Resources,

the Radiological Protection Institute of Ireland,

the State Laboratory.