



**Code of Practice  
for Inspection of  
Food Operations  
run by  
Health Boards**

**Code of Practice  
No. 2  
2000**



Code of Practice  
for Inspection of Food Operations  
run by Health Boards

Published by:  
Food Safety Authority of Ireland  
Abbey Court  
Lower Abbey Street  
Dublin 1

Tel: 8171 300 Fax: 8171 301  
Email: [info@fsai.ie](mailto:info@fsai.ie) Website: [www.fsai.ie](http://www.fsai.ie)  
© 2000

Applications for reproduction should be made to the FSAI Information Unit

ISBN 0-9539183-0-0

**Other food safety Codes of Practice available from the  
Food Safety Authority of Ireland:**

Code of Practice No. 1, 2000

Risk Categorisation of Food Businesses  
to Determine Priority for Inspection  
ISBN 0-9533624-4-2

# Contents

INTRODUCTION	i
BACKGROUND	1
PURPOSE	1
SCOPE	2
PROTOCOL	2



## Introduction

The Food Safety Authority of Ireland Act, 1998 established the Food Safety Authority of Ireland (FSAI) to perform the functions assigned to it by this Act. 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 attainable. It shall, in particular, take all reasonable steps to ensure that such food complies:

- 1) with any relevant food legislation in respect of food safety and hygiene standards, or
- 2) in the absence of any such legislation, 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.

The FSAI believes that codes of practice (COP) have a major role to play in helping both the regulators and the food industry achieve a higher degree of compliance with Regulations and with good practice generally. This protocol is directed at health boards who should take cognisance of it and their legal obligations as set out in food safety Regulations.

## Background

The FSAI is aware that many health boards operate catering facilities in their own premises and institutions, and through other voluntary and community organisations. In the past such operations were not regarded as food businesses, but no such distinction can be drawn today as the European Communities (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No. 165 of 2000) includes the following definition:

*"food business means any undertaking, whether for profit or not and whether public or private, carrying out any or all of the following: preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply of foodstuffs".*

Accordingly, health boards are obliged to ensure that their food operations are in compliance with the Regulations and operate to the same standard as would be expected from private operators. The fact that food is prepared by health boards for vulnerable groups of the population serves only to reinforce the need for stringent compliance and controls in such operations.

The FSAI requires that the food inspection programmes, carried out under the terms of the service contracts between the health boards and the FSAI, include the inspection of health board catering or other food premises. These must be treated in the same manner as any private concern.

## Purpose

It is a requirement of the European Communities (Hygiene of Foodstuffs) Regulations, 2000 that if, as a result of an inspection, a health board ascertains that a food business is not in compliance with the Regulations and this might result in risks to the safety and wholesomeness of foodstuffs, the health board must take action which can extend to the closure of the premises.

## Scope

This Code of Practice applies to all premises run by/on behalf of health boards.

The following legislation and standards are relevant:

- Health Acts 1947 - 1970
- Food Hygiene Regulations 1950 - 1989
- Food Safety Authority of Ireland Act, 1998
- E.C. (Official Control of Foodstuffs) Regulations, 1998 (S.I. No. 85 of 1998)
- E.C. (Hygiene of Foodstuffs) Regulations, 2000 (S.I. No. 165 of 2000)
- I.S. 340:1994 Hygiene in the Catering Sector
- I.S. 343:2000 Food Safety Management Incorporating HACCP.

## Protocol

The FSAI requires health boards, acting as agents of the Authority, to be consistent in their approach to inspecting both health board premises and premises in the private sector. It is recommended that the following protocol be followed in respect of the inspection of food operations run by/on behalf of health boards:

- Food operations should be inspected with at least the same frequency and rigour as would apply to the private sector.
- The premises must be inspected in accordance with the FSAI Guidance Note on the Inspection of a Food Business, 2000.
- Where conditions are found not to be in compliance with legislative requirements, the extent of non-compliance shall be documented and brought to the attention of the manager of the operation. Agreement must be reached to the satisfaction of the inspecting officer and/or the principal environmental health officer (PEHO) regarding the necessary remedial action and the time scale for completion.
- Remedial action could include suspension of; or closure of operation if appropriate.
- In the event that sufficient remedial action is not taken, and unsatisfactory conditions continue, the PEHO must notify the FSAI and the chief executive officer of the health board with the following details:
  - (a) the extent of non-compliance with legal requirements
  - (b) outline of the action taken to have the matters remedied.
- The FSAI, where it is satisfied that all local avenues have been exhausted, will take such independent follow up action as is appropriate to protect consumer health.







Food Safety Authority of Ireland    Údarás Sábháilteachta Bia na hÉireann  
Abbey Court, Lower Abbey Street,    Cúirt na Mainistreach, Sráid na Mainistreach Íocht.,  
Dublin 1    Baile Átha Cliath 1

Telephone: +353 1 817 1300  
Facsimile: +353 1 817 1301  
E-mail: [info@fsai.ie](mailto:info@fsai.ie)  
Website: [www.fsai.ie](http://www.fsai.ie)  
ISBN 0-9539183-0-0