

## PART III

### THE FOOD SAFETY PROMOTION BOARD

[SU14] 14.—In this Part “the Body” shall be construed in accordance with *section 15*.

[SU15] 15.—(1) The implementation body for food safety established by the Agreement and known as The Food Safety Promotion Board is referred to in this Part as “the Body”.

(2) The Body shall be recognised as, and as having all the attributes of, a body corporate, including perpetual succession, the power to acquire, hold and dispose of land or other property and the power to sue.

(3) The Body may be sued in its corporate name.

[SU16] 16.—(1) The functions of the Body shall, in accordance with paragraph 1 of Article 2 of the Agreement, be those specified in Part 2 of Annex 1 to the Agreement.

(2) The arrangements specified in Parts 2 and 7 of Annex 2 to the Agreement shall, in accordance with paragraph 2 of Article 2 of the Agreement, apply to the Body.

(3) Paragraph 1 of Article 3 of the Agreement shall apply to the Body.

[SU17] 17.—The Food Safety Authority of Ireland Act, 1998, is hereby amended as specified in the Table to this Part.

### TABLE

#### AMENDMENTS OF THE FOOD SAFETY AUTHORITY OF IRELAND ACT, 1998

The amendments to the Food Safety Authority of Ireland Act, 1998, are as follows:

1. For sections 11 and 12 there shall be substituted the following sections:

“11. (1) 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.

(2) It shall, in particular, take all reasonable steps to ensure that such food complies—

(a) with any relevant food legislation in respect of food safety and hygiene standards, or

(b) 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.

(3) At the request of the Food Safety Promotion Board, the Authority shall co-operate with it in the performance of its functions.

12. (1) In order to achieve the highest level of protection reasonably attainable in the interests of public health and consumer protection and, for the purposes of section 11(2), the Authority shall 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 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 persons mentioned shall take all reasonable steps to ensure, in so far as the person is concerned, the safety and hygienic standard of that food.

(4) The Authority shall, in the performance of its functions, 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.”.

2. In section 15—

(a) for “or may, on its own initiative, provide such advice on—” there shall be substituted “and may, on its own initiative, provide such advice—”, and

(b) paragraphs (a), (b) and (h) are deleted.

3. In section 16, subsection (3) is deleted.

4. In section 18—

(a) in subsection (1), after “The Authority may” there shall be inserted “, in the performance of its functions,”, and

(b) in subsection (2), after “State” there shall be inserted “or by the Food Safety Promotion Board”.

5. In section 41(4)(b), for “context” there shall be substituted “content”.

6. For section 46 there shall be substituted the following section:

“46. For the purposes of section 11(2), the Authority shall carry out or arrange to have carried out on its behalf under section 48 the following:

(a) the determination of compliance with food legislation by means of—

(i) 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,

(ii) the inspection, sampling and analysis of food, including food ingredients, and

(iii) the inspection and analysis of food labelling,

and

- (b) the provision of food safety and food hygiene education to producers, manufacturers, distributors, retailers and caterers.”.
- 7. In section 48(9), for “inspections” there shall be substituted “its functions”.
- 8. In section 65—
  - (a) in paragraph (h), before “after” there shall be inserted “the insertion”, and
  - (b) in paragraph (i), for “to insert” there shall be substituted “the insertion of”.