

Statutory Instrument 1991 No. 2486

The Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991

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STATUTORY INSTRUMENTS

1991 No. 2486

AGRICULTURE

FOOD

The Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations
1991

<i>Made</i>	<i>31st October 1991</i>
<i>Laid before Parliament</i>	<i>31st October 1991</i>
<i>Coming into force</i>	<i>5th November 1991</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and with food and health in Wales acting jointly as respects England and Wales, and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred by sections 6(4), 16(1)(f), 17(1), 18(1)(c), 26(3), and 48(1) of the Food Safety Act 1990^[1], and the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, being designated Ministers^[2] for the purposes of section 2 of the European Communities

Act 1972^[3] in respect of the common agricultural policy of the European Economic Community in exercise of the powers conferred by section 2 of that Act, and all other powers respectively enabling them in that behalf, after consultation (in so far as required by the Act of 1990) with bodies appearing to them to be representative of interests likely to be substantially affected by the regulations hereby make the following Regulations:-

Citation, commencement and interpretation

1. -

(1)

These Regulations may be cited as the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991 and shall come into force on 5th November 1991.

(2)

In these Regulations-

- "the Act" means the Food Safety Act 1990;
- "affected country" means Colombia, Ecuador or Peru;
- "CERPER" means El Centro de Certificaciones Pesqueras in El Callao, Peru;
- "fish" includes crustaceans and molluscs other than bivalve molluscs;
- "pH value" means the negative decimal logarithm of hydrogen ions expressed in moles per litre;
- "product" means anything derived from a fish, fruit, mollusc or vegetable by any process of preparation;
- "proper authority" means-
 - (a) as respects Colombia, the Ministry of Health of Colombia;
 - (b) as respects Ecuador, the National Fisheries Institute of Ecuador;
- "relevant fruit" means-
 - (a) any fruit other than dried fruit,
 - (b) any fruit product with a pH value of 4.5 or more;
- "relevant vegetable" means-
 - (a) any vegetable,
 - (b) any vegetable product with a pH value of 4.5 or more.

(3)

For the purposes of these Regulations-

- (a) a fish product is from an affected country if it consists of, or is derived from, any fish which has been landed there, subjected there to any process of preparation or consigned from there by way of export;
- (b) a bivalve mollusc is from an affected country if it has been landed there, subjected there to any process of preparation or consigned from there by way of export;
- (c) a relevant fruit or vegetable is from Peru if it has been harvested there, subjected there to any process of preparation or consigned from there by way of export.

(4)

In these Regulations-

- (a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations which bears that number;
- (b) a reference in a regulation to a numbered paragraph is a reference to

the paragraph of that regulation which bears that number.

Prohibition on importation of fish products from Peru

2. -

(1)

No person shall import into Great Britain-

- (a) any bivalve mollusc from Peru or any product thereof;
- (b) any fish product intended for human or animal consumption which consists of, or is derived from, fish landed in Peru in the course of artisanal fishing, that is to say fishing carried on by an individual mainly for the purpose of providing fish for consumption by the individual and his family.

(2)

Subject to paragraphs (3), (4) and (5) no person shall import into Great Britain for human consumption, or consumption by an animal, any fish product from Peru.

(3)

The prohibition imposed by paragraph (2) does not apply to a fish product if it is accompanied by a numbered and dated certificate issued by, and signed by an authorised officer of, CERPER containing the particulars mentioned in paragraph 1 of Schedule 1 and the declaration mentioned in paragraph 2 of that Schedule.

(4)

The prohibition imposed by paragraph (2) does not apply to rainbow trout (*salmo gairdneri*) prepared for sale by Piscifactorias de Los Andes S.A. in the province of Concepcion in Peru imported as or as part of a consignment which is accompanied by

- (a) a certificate from CERPER containing the declaration and particulars referred to in paragraph (3); and
- (b) a certificate from the Peruvian Ministry of Health that at the date of despatch of the consignment no case of *Vibrio cholera* had been detected in the province of Concepcion.

(5)

The prohibition imposed by paragraph (2) does not apply to fishmeal.

Prohibition on importation of fish products from Ecuador and Colombia

3. -

(1)

Subject to paragraph (2) no person shall import into Great Britain for human consumption any fish product or bivalve mollusc from Ecuador or Colombia.

(2)

The prohibition imposed by paragraph (1) does not apply to fish products or bivalve molluscs from Ecuador or Colombia intended for human consumption

which are imported as, or as part of, a consignment which is accompanied by a numbered and dated document issued by the proper authority in that country, signed by an authorised officer of that authority and containing the particulars set out in Schedule 2. Prohibition on importation of fruit and vegetables from Peru

4. -

(1)

No person shall import into Great Britain for human consumption or consumption by an animal any relevant fruit or relevant vegetable which has been harvested or prepared for sale in Peru unless the consignment of which it forms part is accompanied by the documents referred to in paragraph (2).

(2)

The documents required by paragraph (1) are a numbered and dated document issued by, and signed by an authorised officer of, CERPER containing the particulars mentioned in paragraph 1 of Schedule 3 and the declaration mentioned in paragraph 2 of that Schedule, and a numbered certificate issued by the Peruvian Ministry of Health that the consignment is free of *Vibrio cholera*

Prohibition on export to other Member States of fish products and bivalve molluscs originating in an affected country and of fruit and vegetables from Peru

5. -

(1)

Subject to paragraph (2) no person shall consign for export to another Member State any fish product or bivalve mollusc which is from an affected country or any relevant fruit or relevant vegetable from Peru which is intended for human or animal consumption.

(2)

The prohibition imposed by paragraph (1) does not apply to goods to be exported-

- (a) by sea, if they are to be sent from a port in Great Britain to a port in another Member State and the latter port has facilities for inspection of imports;
- (b) by air, if they are to be sent from an airport in Great Britain to an airport in another Member State and the latter airport has facilities for inspection of imports.

Offences

6. Any person who contravenes regulation 2(1) or (2), 3(1), 4(1) or 5(1) shall be guilty of an offence triable only summarily, and liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

Application of provisions of the Food Safety Act 1990

7. -

(1)

The following provisions of the Food Safety Act 1990 shall apply for the purposes of the Regulations as they apply for the purposes of sections 8, 14 and 15 of that Act and unless the context otherwise requires a reference in them to the Act shall be construed as a reference to these Regulations: section 2 (extended definition of "sale" etc.); section 3 (presumptions that food intended for human consumption); section 20 (offences due to fault of another person); section 21 (defence of due diligence); section 30(8) (which relates to documentary evidence); section 33 (obstruction etc. of officers); section 36 (offences by bodies corporate).

(2)

Section 49(4) of the Act shall apply to a certificate given by a proper authority, CERPER or the Peruvian Ministry of Health for the purposes of these Regulations as it applies to documents authorised or required to be given by a food authority, but as if the words "under this section" were omitted.

Enforcement and execution

8. -

(1)

Subject to paragraph (2) these Regulations shall be enforced and executed-

- (a) as respects each London borough or district in England and Wales, by the council of that borough or district;
- (b) as respects the City of London (including the Temples), by the Common Council;
- (c) as respects each islands area or district in Scotland, by the islands or district council.

(a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984^[4] to a port health authority;

(b) by an order under section 172 of the Public Health (Scotland) Act 1897^[5] to a port local authority; these Regulations shall be enforced by that authority within its area and not by the authority mentioned in paragraph (1).

Revocation

9. The Imported Food (Peruvian Foodstuffs) Regulations 1991^[6] are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st October 1991.

John Gummer

Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

Stephen Dorrell

Parliamentary Under-Secretary of State,

31st October 1991 Department of Health

David Hunt

31st October 1991 Secretary of State for Wales
Signed by authority of the Secretary of State for Scotland

Lord Strathclyde

Parliamentary Under-Secretary of State, Scottish Office

31st October 1991

Notes:

[1] 1990 c. 16. Section 4(1) of the Act of 1990 provides a definition of "the Ministers" relevant to the powers conferred by that Act being exercised in the making of these Regulations. [back](#)

[2] S.I. 1972/1811. [back](#)

[3] 1972 c. 68. [back](#)

[4] 1984 c. 22. [back](#)

[5] 1897 c. 38. [back](#)

[6] S.I. 1991/370. [back](#)