

Statutory Instrument 1997 No. 2238

The Food (Pistachios from Iran) (Emergency Control) Order 1997

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STATUTORY INSTRUMENTS

1997 No. 2238

FOOD

The Food (Pistachios from Iran) (Emergency Control) Order 1997

<i>Made</i>	<i>15th September 1997</i>
<i>Laid before Parliament</i>	<i>15th September 1997</i>
<i>Coming into force</i>	<i>16th September 1997</i>

Whereas it appears to the Minister of Agriculture, Fisheries and Food that the importation of pistachios originating in, or consigned from, Iran may involve imminent risk of injury to health, now therefore the said Minister, in exercise of the powers conferred on him by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990[1] and of all other powers enabling him in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1. - (1) This Order may be cited as the Food (Pistachios from Iran) (Emergency Control) Order 1997 and shall come into force on 16th September 1997.

(2) In this Order -

"the Act" means the Food Safety Act 1990;

"CN code number" means a code number of the combined nomenclature established by Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff^[2] as amended on the date this Order is made^[3];

"food authority" does not include the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

"free circulation" shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community;

"pistachios" means pistachios falling within CN code 0802 50 00 and roasted pistachios falling within CN codes 2008 19 13 and 2008 19 93; and

"port health authority" includes a port local authority and a joint port local authority.

Prohibition of import

2. - (1) No person shall import into Great Britain any pistachios originating in or consigned from Iran.

(2) For the purposes of paragraph (1) of this article "import" does not include the bringing into Great Britain from another member State of the European Community of pistachios which are in free circulation in that member State.

Enforcement

3. - (1) It shall be the duty of each port health authority to enforce and execute this Order within its district.

(2) The enforcement and execution of this Order in relation to any place not situated in the district of a port health authority shall be the duty of any food authority for the area in which that place is situated.

(3) Each port health authority or food authority, as appropriate, shall give such assistance and information to the Minister as he may request for the purpose of his duties under section 13 of the Act.

Application of various provisions of the Act

4. - (1) The following provisions of the Act shall apply, subject to paragraph (2) below, for the purposes of this Order and any reference in those provisions to the Act shall be construed for the purposes of this Order as a reference to this Order -

(a) section 33 (obstruction etc. of officers);

(b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and

(c) section 44 (protection of officers acting in good faith).

(2) In section 44 of the Act the references to "food authority" shall be construed as including reference to a port health authority.

Jeff Rooker

Minister of State, Ministry of Agriculture, Fisheries and Food

15th September 1997

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 13 of the Food Safety Act 1990 in consequence of it appearing to the Minister of Agriculture, Fisheries and Food that the importation of pistachios originating in or consigned from Iran may involve imminent risk of injury to health.

The Order also implements in Great Britain Commission Decision 97/613/EC of 8th September 1997 on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in or consigned from Iran (OJ No. L248, 11.9.97, p.33).

The Order -

- (a) prohibits the importation of pistachios originating in or consigned from Iran (article 2);**
- (b) specifies the enforcement authorities (article 3); and**
- (c) applies, with modifications, provisions of the 1990 Act (article 4).**

Contravention of the Order is an offence under section 13(2) of the 1990 Act.

No compliance cost assessment has been prepared.

Notes:

[1] 1990 c.16; "the Minister" is defined in section 4(2); section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40).

[2] OJ No. L256, 7.9.87, p.1.

[3] The last amending instrument is Commission Regulation (EC) No. 1734/96 (OJ No. L238, 19.9.96, p.1).

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