

Statutory Instrument 2000 No. 375

The Food (Peanuts from Egypt) (Emergency Control) (England and Wales) Order 2000

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STATUTORY INSTRUMENTS

2000 No. 375

FOOD, ENGLAND AND WALES

The Food (Peanuts from Egypt) (Emergency Control) (England and Wales) Order 2000

<i>Made</i>	<i>21st February 2000</i>
<i>Laid before Parliament</i>	<i>22nd February 2000</i>
<i>Coming into force</i>	<i>23rd February 2000</i>

Whereas it appears to the Minister of Agriculture, Fisheries and Food that the import of peanuts originating in, or consigned from, Egypt may, save as permitted by the following Order, 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 extent

1. - (1) This Order may be cited as the Food (Peanuts from Egypt) (Emergency Control) (England and Wales) Order 2000 and shall come into force on 23rd February

2000.

(2) This Order applies to England and Wales.

Interpretation

2. In this Order-

"the Act" means the Food Safety Act 1990;

"the Commission Decision" means Commission Decision 2000/49/EC[2] repealing Decision 1999/356/EC[3] and imposing special conditions on the imports of peanuts and certain products derived from peanuts originating in or consigned from Egypt;

"Egyptian peanuts" means-

(a) peanuts falling within CN code 1202 10 90 in shell or 1202 20 00 shelled, whether or not broken, and

(b) roasted peanuts falling within CN code 2008 11 92 in immediate packs of a net content exceeding 1 kg or 2008 11 96 (not exceeding 1 kg) originating in or consigned from Egypt which are intended for human consumption or to be used as an ingredient in foodstuffs;

"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" has the same meaning as in Article 23.2 of the Treaty establishing the European Community;

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

and in the definition of "Egyptian peanuts" terms used have the same meaning as in the Commission Decision.

Prohibition of import

3. - (1) No person shall import into England and Wales any Egyptian peanuts, except in accordance with the conditions in Article 1.1 to 3 of the Commission Decision.

(2) Paragraph (1) above shall not be taken to prohibit the bringing into England and Wales from another member State of the European Community of Egyptian peanuts which are in free circulation in that member State.

Enforcement

4. - (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 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 in connection with this Order.

Application of various provisions of the Act

5. - (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.

Revocation of previous Order in relation to England and Wales

6. The Food (Peanuts from Egypt) (Emergency Control) Order 1999[4], in so far as it applies to England and Wales, is hereby revoked.

Hayman

Minister of State, Ministry of Agriculture, Fisheries and Food

21st February 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made by the Minister of Agriculture, Fisheries and Food under section 13 of the Food Safety Act 1990, replaces for England and Wales the Food (Peanuts from Egypt) (Emergency Control) Order 1999 which prohibited the import of peanuts from Egypt. This Order permits such importation in accordance with conditions in Article 1 of Commission Decision 2000/49/EC of 6th December 1999 repealing Commission Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt.

The conditions in question permit the import of Egyptian peanuts only where accompanied by Egyptian Government health certificates and results of sampling and analysis. They also require that the import of such peanuts takes place only through specified points of entry, and that each consignment of such peanuts be identified with a code corresponding with that on the health certificate and sampling and analysis results. Article 1 also requires that such imports be subjected to documentary checks, and sampling and analysis for aflatoxin B1 and total aflatoxins before release onto the market; powers in relation to the former can be found in section 32 of the Food Safety Act 1990, and powers in relation to the latter can be found in the Contaminants in Food Regulations 1997 (S.I. 1997/1499, amended by S.I. 1999/1603).

No regulatory impact assessment has been prepared in relation to this Order.

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). See also paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38).[back](#)

[2] O.J. No. L19, 25.1.2000, p. 46.[back](#)

[3] O.J. No. L139, 2.6.1999, p. 32.[back](#)

[4] S.I. 1999/1800.[back](#)

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