Scottish Statutory Instrument 2000 No. 35

The Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 35

FOOD

The Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000

Made	*22nd February 2000*
Laid before the Scottish Parliament	*24th February 2000*
Coming into force	*24th February 2000*

Whereas it appears to the Scottish Ministers 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 Ministers, in exercise of the powers conferred on them by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990[1], and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent
1. - (1) This Order may be cited as the Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000 and shall come into force on 24th February 2000.

(2) This Order extends to Scotland only.

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 1kg) or 2008 11 96 (not exceeding 1kg)

originating in or consigned from Egypt which are intended for human consumption or to be used as an ingredient in foodstuffs;

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

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 Scotland 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 Scotland-

(i) from another member State of the European Community of Egyptian peanuts which are in free circulation there;

(ii) from England, Wales or Northern Ireland of Egyptian peanuts which have been imported into the United Kingdom in accordance with the conditions in Article 1.1 to 3 of the Commission decision.

Enforcement
4. - (1) It shall be the duty of each food authority to enforce and execute this Order within its area.

(2) Each food authority 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. The following provisions of the Act shall apply 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).

Revocation of previous Order
6. The Food (Peanuts from Egypt) (Emergency Control) Order 1999[4] is hereby revoked in relation to Scotland.

SUSAN C DEACON
A member of the Scottish Executive

St Andrew's House, Edinburgh
22nd February 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 13 of the Food Safety Act 1990 ("the 1990 Act"), replaces for Scotland 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 the 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.

Article 1 of Commission Decision 2000/49/EC permits the import of Egyptian peanuts only where accompanied by Egyptian Government health certificates and results of sampling and analysis. Article 1 of the Decision also requires that the import of such peanuts takes place only through specified points of entry, that each consignment of such peanuts be identified with a code corresponding with that on the health certificate and sampling and analysis results. The Article also requires that all such imports be subjected to sampling and analysis for aflatoxin B1 and total aflatoxin before release onto the market.

This Order also specifies the enforcement authorities (article 4) and applies, with modifications, provisions of the 1990 Act (article 5).

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

Notes:

[1] 1990 c.16; section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40). The functions of the Secretary of State so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).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. 1999/1800back

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