Statutory Rule 2004 No. 26

Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2004

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STATUTORY RULES OF NORTHERN IRELAND

2004 No. 26

FOOD

Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2004

Made	*28th January 2004*
Coming into operation	*28th January 2004*

The Department of Health, Social Services and Public Safety, being a Department designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 28th January 2004.

Amendments to the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) Regulations (Northern Ireland) 2003

2. - (1) The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) Regulations (Northern Ireland) 2003[3] shall be amended in accordance with paragraphs (2), (3) and (4).

(2) In paragraph (1) of regulation 2 (interpretation) -

(a) for the definition of "the Commission Decision" there shall be substituted the following definition -

" "the Commission Decision" means the Commission Decision of 21st January 2004 on emergency measures regarding chilli and chilli products[4];"; and

(b) for the definition of "hot chilli and hot chilli products" there shall be substituted the following definition -

" "hot chilli and hot chilli products" means -

(a) fruits of the genus *Capsicum*, dried and crushed or ground within CN Code 09042090; and

(b) curry powder within CN Code 091050;".

(3) For paragraph (2) of regulation 6 (destruction of illegal imports) there shall be substituted the following paragraph -

" (2) The notice served under paragraph (1) shall state -

(a) the right of appeal to a court of summary jurisdiction; and

(b) the period within which such an appeal may be brought.".

(4) For paragraph (4) of regulation 6 (destruction of illegal imports) there shall be substituted the following paragraph -

" (4) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to a court of summary jurisdiction, which shall determine whether the notice should

be upheld or set aside.".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on

28th January 2004.

L.S.

R. Martin
A Senior Officer of the Department of Health, Social Services and Public Safety

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 362) to implement the Commission Decision of 21st January 2004 on emergency measures regarding chilli and chilli products ("the new Decision"). That Decision repealed Commission Decision 2003/460/EC on emergency measures regarding hot chilli and hot chilli products (O.J. No. L154, 21.6.2003, p. 114).

The differences between the new Decision and Commission Decision 2003/460/EC are that -

(a) the new Decision extends in relation to curry powder the emergency measures previously set out in Commission Decision 2003/460/EC in relation to chillies which have been dried and crushed or ground. This change is implemented by inserting a revised definition of "hot chilli and hot chilli products" into S.R. 2003 No. 362 (regulation 2(2)(b)); and

(b) the new Decision amends the conditions for import of chilli and chilli products by providing that import is now prohibited unless the analytical report accompanying the consignment shows that the product not only does not contain Sudan I (CAS Number 842-07-9) but additionally does not contain Sudan II (CAS Number 3118-97-6), Sudan III (CAS Number 85-86-9) or Scarlet Red or Sudan IV (CAS Number 85-83-6). This change is implemented by inserting a revised definition of "the Commission Decision" into S.R. 2003 No. 362 (regulation 2(2)(a)).

These Regulations remove unnecessary wording from the provision in S.R. 2003 No. 362 (regulation 6(2)) which provides that a notice ordering the destruction of illegal imports of hot chilli and hot chilli products has to contain information about the right of appeal (regulation 2(3)).

These Regulations also revise regulation 6(4) of S.R. 2003 No. 362 to clarify that on an appeal to a court of summary jurisdiction against a notice ordering

the destruction of illegal imports of hot chilli and hot chilli products the court must uphold the notice or set it aside (regulation 2(4)).

The CN codes referred to in the definition of "hot chilli and hot chilli products" are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (O.J. No. L256, 7.9.87, p. 1).

Notes:

[1] S.I. 2000/2812back

[2] 1972 c. 68back

[3] S.R. 2003 No. 362back

[4] O.J. No. L27, 30.1.2004, p. 52back

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