

EUROPEAN COMMUNITIES (FRUIT AND VEGETABLES) REGULATIONS 1997

I, Ivan Yates, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Regulation (EC) No. 2200/96 of 28 October 1996(1) hereby make the following Regulations:
(1) O.J. No. L.297 of 21.11.96 p.1

REG 1

1. These Regulations may be cited as the European Communities (Fruit and Vegetables) Regulations, 1997 and shall come into operation on the 19th day of March, 1997.

REG 2

2. (1) In these Regulations -

"authorised officer" means a person appointed by the Minister to be an authorised officer for the purposes of these Regulations;

"the Minister" means the Minister for Agriculture, Food and Forestry.

"the Council Regulation" means Council Regulation (EC) No. 2200/96 of 28 October 1996"

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Regulation.

REG 3

3. A person who contravenes Title 1 of the Council Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1000.

REG 4

4. (1) An authorised officer may -

(a) at all reasonable times enter any premises in which he has reasonable grounds for believing that there are any books, documents or records relating to any business concerned with importing, exporting or selling, by wholesale or retail, any fruit or vegetables specified in Annex I to the Council Regulation,

(b) require any person found on the premises to produce to him any books, documents or records which are in the person's control, possession or procurement and which the officer has reasonable grounds for believing to be records, books or documents of the kind aforesaid and to give him such information as he may reasonably require in regard to any entries in any such records, books or documents, and

(c) inspect and copy or take extracts from any such records, books or documents.

(2) A person who fails to comply with a requirement under paragraph (1) (b) of this Regulation or who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1000.

REG 5

5. (1) An authorised officer may at all reasonable times enter and inspect any premises in which he has reasonable grounds for believing that there is carried on the business of importing, exporting, pre-paring for sale, selling by wholesale or retail, any fruit or vegetable specified in Annex I to the Council Regulation and test and (where appropriate) take reasonable samples of any such fruit or vegetable which he finds in the course of his inspection.

(2) An authorised officer may at all reasonable times inspect any vehicle in which he has reasonable grounds for believing that there is any fruit or vegetable specified in Annex I of the Council Regulation and test and (where appropriate) take reasonable samples of any such fruit or vegetable he finds in the course of his inspection.

(3) A person who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1000.

REG 6

6. If any person fraudulently -

(a) tampers with any fruit or vegetables mentioned in Annex I to the Council Regulation so as to procure that any sample of them taken under these Regulations does not correctly represent them, or
(b) tampers or interferes with any sample taken under these Regulations,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1000 or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

REG 7

7. (1) An offence under these Regulations may be prosecuted by the Minister.

(2) Where an offence under these Regulations is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person being a director, manager, secretary, member of the committee of management or other controlling authority of any such body, or being any other

similar officer of any such body, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

REG 8

8. (1) The European Communities (Fruit and Vegetables) Regulations, 1973 (S.I. No. 20 of 1973) and the European Communities (Fruit and Vegetables) Regulations, 1973 (Amendment) Regulations, 1986 (S.I. No. 439 of 1986) are hereby revoked.

(2) All authorised officers appointed under the European Communities (Fruit and Vegetables) Regulations, 1973 and holding office immediately before the commencement of these Regulations shall continue in office after such commencement as if appointed under these Regulations.

Given under my Official Seal, this 19th day of March 1997.

IVAN YATES,
Minister for Agriculture, Food and Forestry

EXPLANATORY NOTE

The Regulations supplement the provisions in the European Community Regulations relating to the application of quality standards for fresh fruit and vegetables, by providing the necessary powers for authorised officers and by prescribing penalties for offences.