
WELSH STATUTORY INSTRUMENTS

2003 No. 1774 (W.191)

FOOD, WALES

The Food Safety (Ships and Aircraft) (Wales) Order 2003

Made - - - - - *15th July 2003*

Coming into force - - - - - *31st July 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 1(3) and 48(1) of the Food Safety Act 1990⁽¹⁾ having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Order:

Title, commencement and application

1. This Order which may be cited as the Food Safety (Ships and Aircraft) (Wales) Order 2003; shall come into force on 31st July 2003 and applies to Wales only.

Interpretation

2.—(1) In this Order —

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“exempt ship or aircraft” (“*llong neu awyren esempt*”) means any sovereign immune ship or aircraft or any ship of a State other than the United Kingdom which is exercising the right of innocent passage through that part of the territorial sea within to Wales;

“home-going ship” (“*llong sy'n mynd tuag adref*”) means a ship which is engaged exclusively in —

- (a) plying in internal waters, or
- (b) excursions which last not more than one day, start and end in Great Britain and do not involve calling at any place outside Great Britain;

“innocent passage” (“*tramwyo'n ddiniwed*”) has the same meaning as it has for the purposes of Part II Section 3A of the United Nations Convention on the Law of the Sea;

“internal waters” (“*dyfroedd mewno*l”) has the same meaning as it has for the purposes of Article 8(1) of the United Nations Convention on the Law of the Sea;

(1) 1990 c. 16. Functions of Secretary of State so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) as read with section 40(3) of the Food Standards Act 1999.

“the principal Hygiene and Temperature Control provisions” (“*y prif ddarpariaeth Rheoli Hylendid a Thymheredd*”) means —

- (a) the Food Safety (General Food Hygiene) Regulations 1995⁽²⁾ except regulation 4A of and Schedule 1A to those Regulations (licences for butchers' shops);
- (b) the Food Safety (Temperature Control) Regulations 1995⁽³⁾ except regulations 4 — 9 and 12 and Part III of those Regulations.

“sovereign immune ship or aircraft” (“*llong neu awyren freintrydd sofran*”) means a ship or aircraft belonging to a State other than the United Kingdom and which is not in use for commercial purposes;

“territorial sea” (“*môr tiriogaethol*”) has the same meaning as it has for the purposes of the Territorial Sea Act 1987⁽⁴⁾;

“Wales” (“*Cymru*”) has the same meaning as provided by section 155 of the Government of Wales Act 1998⁽⁵⁾.

Ships and aircraft as premises for specified purposes

3. “Premises” shall include any ship or aircraft of a description specified in the Schedule to this Order for any purpose specified in relation to that ship or aircraft in that Schedule.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

15th July 2003

D.Elis-Thomas
The Presiding Officer of the National Assembly

(2) S.I. 1995/1763 as amended by S.I. 1995/2148, 1995/3205, 1996/1699, 1997/2537, 1998/994, 1999/1360, 1999/1540, 2000/656 and in particular by the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000 (S.I. 2000/3341 (W. 219)).

(3) S.I. 1995/2200 as amended by S.I. 1995/3205, 1996/1499, 1998/994, 1998/1398 and 2000/656.

(4) 1987 c. 49.

(5) 1998 c. 38.

SCHEDULE

Article 3

Ships and aircraft which are premises for specified purposes

1. Any home-going ship for the purpose of applying the Act and any regulations made under it.
2. Any other ship or any aircraft, which is not an exempt ship or aircraft —
 - (a) for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part II of the Act;
 - (b) for the purpose of applying the principal Hygiene and Temperature Control provisions; and
 - (c) for the purpose of applying sections 11 and 12 of the Act:

and references to “premises” in sections 2, 3, 29, 32 and 50 of the Act shall include any ship or aircraft of a description specified in this paragraph both in relation to any purposes specified in this paragraph and in relation to sections 8 to 10 of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Wales, specifies ships and aircraft and purposes for which they are “premises” in and under the Food Safety Act 1990.

The Order —

- (a) replaces provisions formerly made by section 59(3) of and Schedule 4 paragraph 1 to the 1990 Act for home-going ships and for import cargo inspections of ships and aircraft (article 3 and Schedule paragraphs 1 and 2(a));
- (b) in further implementation of Council Directive [93/43/EEC](#) on the hygiene of foodstuffs⁽⁶⁾ and Council Directive [89/397/EEC](#) on the official control of foodstuffs⁽⁷⁾, specifies certain other ships and aircraft for the purpose of applying provisions of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 and for certain related sections of the Act (article 3 and Schedule paragraph 2(b) and (c)).
- (c) provides that references to “premises” in sections 2, 3, 29, 32 and 50 of the Food Safety Act 1990 shall include those other ships and aircraft for the purposes specified in paragraph 2(a), (b) and (c) of the Schedule and of sections 8 to 10 of the 1990 Act (Schedule paragraph 2).

A Regulatory Appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of the European Community

(6) OJNo. L175, 19.7.93, p.1, as amended by Directive 96/3 (OJ No. L21, 27.1.96, p.42) and Directive 98/28 (OJ No.L140, 12.5.98, p.10).

(7) OJ No. L186, 30.6.89, p.23, as completed by Council Directive [93/99/EEC](#) on the subject of additional measures concerning the official control of foodstuffs (OJ L290, 24.11.1993, p.14).

Status: *This is the original version (as it was originally made).*

legislation referred to above are transposed in this Order. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff CF10 1EN.