
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 421

FOOD

Food (Pistachios from Iran) (Emergency Control) Order (Northern Ireland) 1997

Made - - - - 17th September 1997

Coming into operation 18th September 1997

WHEREAS it appears to the Department of Health and Social Services acting as the Department concerned that the importation of pistachios originating in, or consigned from, Iran may involve imminent risk of injury to health.

NOW THEREFORE the said Department concerned, in exercise of the powers conferred on it by Articles 12(1), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Food (Pistachios from Iran) (Emergency Control) Order (Northern Ireland) 1997 and shall come into operation on 18th September 1997.

(2) In this Order—

“the 1991 Order” means the Food Safety (Northern Ireland) Order 1991;

“CN code number” means a code number of the combined nomenclature established by Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾ as amended on the date this Order is made⁽³⁾;

“free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community;

“import” means brought into Northern Ireland by any means whatsoever from a place outside the United Kingdom;

“member State” means a member State of the European Community other than the United Kingdom;

“pistachios” means pistachios falling within CN code 0802 50 00 and roasted pistachios falling within CN codes 2008 19 13 and 2008 19 93.

(1) S.I.1991/762 (N.I. 7) as amended by S.I. 1996 No. 1633 (N.I. 12). See Article 2(2) for the definition of “the Department concerned”.

(2) O.J. No. L.256, 7.9.87, p. 1

(3) The last amending instrument is Commission Regulation (EC) No. 1734/96 (O.J. No. L.238, 19.9.96, p. 1).

Prohibition of import

2.—(1) Subject to paragraph (2) no person shall import any pistachios originating in or consigned from Iran.

(2) Paragraph (1) shall not apply to the importation from a member State of pistachios which are in free circulation in that State.

Enforcement

3. This Order shall be enforced and executed by each district council within its district.

Application of various provisions of the 1991 Order

4. The following provisions of the 1991 Order shall apply for the purposes of this Order as they apply for the purposes of the 1991 Order and accordingly any reference in those provisions to the 1991 Order shall be construed as a reference to this Order—

- (a) Article 34 (obstruction etc of officers);
- (b) Article 36 (punishment of offences) in so far as it relates to offences under Article 34 as applied by sub-paragraph (a).

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

L.S.

17th September 1997.

W. B. Smith
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order implements the Commission Decision of 8th September 1997 on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in or consigned from Iran which is not yet published in the Official Journal.

The Order—

- (a) prohibits the importation of pistachios originating in or consigned from Iran (article 2);
- (b) specifies the enforcement authority (article 3); and
- (c) applies provisions of the 1991 Order (article 4).

A person who contravenes Article 2 of the Order is guilty of an offence under Article 12(2) of the 1991 Order and is liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
- (b) on summary conviction, to a fine not exceeding £5,000 or to imprisonment for a term not exceeding 6 months or to both.