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STATUTORY INSTRUMENTS

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**1991 No. 2934**

**AGRICULTURE**  
**FOOD**

**The Imported Food and Feedingstuffs (Safeguards  
against Cholera) (Amendment) Regulations 1991**

*Made* - - - - 23rd December 1991

*Laid before Parliament* 8th January 1992

*Coming into force* - - 29th January 1992

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and with food and health in Wales acting jointly as respects England and Wales, and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred by sections 16(1)(f), 17(1) and (2), 18(1)(c), 26(3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, being designated Ministers<sup>(2)</sup>, for the purposes of section 2 of the European Communities Act 1972<sup>(3)</sup> in respect of the common agricultural policy of the European Economic Community in exercise of the powers conferred by section 2 of that Act, and in each case in exercise of all other powers respectively enabling them in that behalf, after consultation (in so far as required by the Act of 1990<sup>(4)</sup>) with bodies appearing to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1991 and shall come into force on 29th January 1992.

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(1) 1990 c. 16. Section 4(1) of the Act of 1990 provides a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations.

(2) S.I.1972/1811.

(3) 1972 c. 68.

(4) See section 48(4).

## **Amendment of the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991**

2.—(1) The Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991(5) shall be amended in accordance with this regulation.

(2) In regulation 1(2)—

(a) after the definition of “CERPER” there shall be inserted the following—

““the Council Regulation” means Council Regulation (EEC) No 3185/91 adopting protective measures for the import of fruit and vegetables from certain countries affected by cholera(6);”

(b) after the definition of “fish” there shall be inserted the following—

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

(c) for the definition of “product” there shall be substituted the following—

““product” means anything derived from a fish or mollusc by any process of preparation;” ; and

(d) the definitions of “pH value”, “relevant fruit” and “relevant vegetable” shall be omitted.

(3) In regulation 1(3), sub-paragraph (c) shall be omitted.

(4) Regulation 4 shall be omitted.

(5) For regulation 5 there shall be substituted the following—

### **“Prohibition on export to other member States of fish products and bivalve molluscs originating in an affected country**

5.—(1) Subject to paragraph (2) no person shall consign for export to a member State any fish product or bivalve mollusc which is from an affected country and is intended for human or animal consumption.

(2) The prohibition imposed by paragraph (1) does not apply to a consignment if each lot of which the consignment is comprised has been inspected by an authorised officer of one of the authorities mentioned in regulation 8 and he is satisfied that—

(a) the consignment is accompanied by such documents as are required by regulation 2 or 3 to accompany it on its importation; and

(b) the lots referred to in those documents are the lots actually comprising the consignment.”.

(6) For regulation 6 there shall be substituted the following—

### **“Offences**

6.—(1) Any person who contravenes regulation 2(1) or (2), 3(1) or 5(1) shall be guilty of an offence, triable only summarily, and liable on conviction to imprisonment for a period not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who imports into Great Britain, or consigns for export from Great Britain to a member State, any fruit or vegetable or fruit or vegetable product to which article 1 of the Council Regulation applies, otherwise than in compliance with such of the provisions of article 2 of that Regulation as apply to it, shall be guilty of an offence, triable only summarily,

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(5) S.I. 1991/2486.

(6) OJ No L 303, 1.11.91.

and liable upon conviction to imprisonment for a period not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both.”.

(7) In regulation 7—

(a) in paragraph (1) for “the Regulations” there shall be substituted “these Regulations”;

(b) in paragraph (2) after “as if” there shall be inserted “these Regulations, so far as made under section 2 of the European Communities Act 1972, were made under the Act and as if”.

(8) Schedule 3 shall be omitted.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

20th December 1991.

*John Gummer*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

23rd December 1991

*Stephen Dorrell*  
Parliamentary Under-Secretary of State,  
Department of Health

23rd December 1991

*David Hunt*  
Secretary of State for Wales

23rd December 1991

*Michael Forsyth*  
Minister of State, Scottish Office

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the enforcement and execution in Great Britain of Council Regulation (EEC) No 3185/91 made by the Council of the European Communities adopting protective measures for the import of fruit and vegetables from certain countries affected by cholera (OJ No L 303, pp 1—5, 1.11.91). Article 1 of that Regulation specifies the fruit and vegetables to which it applies.

The Regulations also amend the provisions contained in the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991 relating to the re-export of fish from Peru, Ecuador and Colombia, thereby giving effect to the Decision 91/541/EEC of the Commission of 15 October 1991 (OJ No L 294, p51, 25.10.91) amending Decisions 91/146/EEC concerning protective measures against cholera in Peru (OJ No L 73, p34, 20.3.91), 91/281/EEC concerning importations of fishery and aquaculture products from Ecuador (OJ No L 142, p43, 6.6.91) and 91/282/EEC concerning importations of fishery and aquaculture products from Colombia (OJ No L 142, p44, 6.6.91). They also make amendments to those regulations consequential upon both the Decision and the Council Regulation, and make it an offence to import into Great Britain, or export from Great Britain to another member State of the European Economic Community, fruit, vegetables and fruit and vegetable products to which the Council Regulation applies, except in compliance with its requirements as to certification and inspection. Certain presumptions, contained in the Food Safety Act 1990, which are applied by the principal Regulations to certificates given by proper authorities in the affected countries in relation to food, are extended so as to apply also to certificates about feedingstuffs (Regulation 2).