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STATUTORY INSTRUMENTS

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**1998 No. 1277**

**FOOD**

**The Food (Cheese) (Emergency Control) Order 1998**

<i>Made</i>	- - - -	<i>20th May 1998</i>
<i>Laid before Parliament</i>		<i>21st May 1998</i>
<i>Coming into force</i>	- -	<i>21st May 1998</i>

The Secretary of State, in exercise of the powers conferred by sections 6(4), 13(1), 48(1) and (2), and 53(4) of the Food Safety Act 1990<sup>(1)</sup> and of all other powers enabling him in that behalf, it appearing to him that the carrying out of any commercial operation with respect to the class or description of food specified in this Order involves or may involve imminent risk of injury to health, hereby makes the following Order:—

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Food (Cheese) (Emergency Control) Order 1998 and shall come into force on 21st May 1998.

(2) In this Order “the Act” means the Food Safety Act 1990.

**Prohibition of commercial operations**

2. The carrying out of any commercial operation is hereby prohibited in relation to cheese originating from R. A. Duckett & Co.Ltd. of Walnut Tree Farm, Wedmore, Somerset.

**Enforcement**

3.—(1) It shall be the duty of each food authority to enforce and execute this Order within its area.

(2) Each food authority shall give such assistance and information to the Secretary of State as he may request for the purpose of his functions under section 13 of the Act.

**Application of other provisions of the Act**

4.—(1) For the purposes of this Order, the following provisions of the Act shall apply, and any reference in those provisions to the Act shall be construed for the purposes of this Order as a reference to this Order—

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(1) 1990 c. 16; section 4(2) defines the Minister to include the Secretary of State; section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).

- (a) section 9(2) to (9), subject to the modifications specified in paragraph (2) of this article (inspection and seizure of suspected food);
  - (b) section 33 (obstruction etc. of officers);
  - (c) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by subparagraph (b) above; and
  - (d) section 44 (protection of officers acting in good faith).
- (2) In section 9—
- (a) for subsection (2) there shall be substituted the following subsection—
    - “(2) The provisions of subsection (3) to (9) shall apply in any case where it appears to an authorised officer of a food authority, that any food is cheese in respect of which commercial operations are prohibited by an Order made under section 13 of this Act.”;
  - (b) in subsections (4) and (6) there shall be added after the words “food safety requirements” wherever they appear the words “or is cheese in respect of which commercial operations are prohibited by an Order made under section 13 of this Act”;
  - (c) in subsection (9)(c) there shall be added after the words “food safety requirements” the words “or that it is cheese in respect of which commercial operations are prohibited by an Order made under section 13 of this Act.”.

Signed by authority of the Secretary of State for Health

20th May 1998

*Tessa Jowell*  
Minister of State for Public Health,  
Department of Health

## EXPLANATORY NOTE

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

This Order is made under section 13 of the Food Safety Act 1990 in consequence of it appearing to the Secretary of State that the carrying out of any commercial operation in connection with the food specified in the Order involves or may involve imminent risk of injury to health.

Article 2 of the Order prohibits the carrying out of any commercial operation in relation to cheese originating from R. A. Duckett & Co. Ltd., Walnut Tree Farm, Wedmore Somerset.

Article 4 of the Order applies sections 9 (inspection and seizure of suspected food) (with the modifications specified), 33 (obstruction etc. of officers), 35 (punishment of offences) and 44 (protection of officers acting in good faith).

Any person who knowingly contravenes this Order is guilty of an offence under section 13(2) of the Food Safety Act 1990.