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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 307**

**Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control No. 2) Regulations (Northern Ireland) 2002**

**Re-dispatch or destruction of illegal imports**

6.—(1) If on an inspection or examination of any Turkish products it appears to an authorised officer that they have been imported in contravention of regulation 3(1) or (2) he may after appropriate consultation with a person appearing to him to be the importer serve on that person a notice ordering –

- (a) the re-dispatch of the Turkish products outside the European Community within such reasonable period as shall be specified in the notice; or
- (b) (where such re-dispatch would in his opinion involve serious risks to human health) the destruction of the Turkish products within such reasonable period as shall be so specified.

(2) In any case where such an appeal as is mentioned in paragraph (3) may be brought, the notice served under paragraph (1) shall state –

- (a) the right of appeal to a court of summary jurisdiction; and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to a court of summary jurisdiction, which shall determine whether or not the notice was lawfully served.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be six days, exclusive of Saturdays, Sundays and public holidays, from the date on which notice of the decision was served on the person desiring to appeal.

(5) The procedure on an appeal to a court of summary jurisdiction under paragraph (3) shall be by way of notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981(1).

(6) If the court allows an appeal brought under paragraph (3) the district council shall compensate the owner of the Turkish products concerned for any depreciation in their value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Department of Health, Social Services and Public Safety; and the provisions of the Arbitration Act 1996(2) shall apply accordingly.

(8) Any person who breaches the terms of a notice served under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.