
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 525

The Contaminants in Food (Scotland) Regulations 2004

Secondary treatment of food presented for import to which Article 4.3 applies

9.—(1) In relation to any food that is of the type referred to in Article 4.3(b) of the Commission Regulation that is presented for import and which appears to an authorised officer of a food authority to contravene regulation 3(a)(i) or (b)(i) that authorised officer may, after appropriate consultation with a person appearing to be the importer of the food, serve on that person a notice requiring that person to—

- (a) deal with the food only in compliance with Article 4.3(a), (c) and (d) of the Commission Regulation; and
- (b) place the food on the market as soon as is reasonably practicable.

(2) The notice served under paragraph (1) shall state—

- (a) the right of appeal to the sheriff under paragraph (3); and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by the decision of an authorised officer to serve a notice under paragraph (1) may appeal to the sheriff, who may confirm or cancel the notice.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays.

(5) Pending determination of an appeal under paragraph (3), the person appearing to be the importer of the food concerned shall—

- (a) ensure that it is stored under the supervision of the authorised officer at such places and under such conditions as the authorised officer may direct; and
- (b) bear the costs of such storage.

(6) If the sheriff allows an appeal brought under paragraph (3) the food authority shall compensate the owner of the food concerned for any depreciation in its 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 arbiter appointed, failing agreement between the parties, by the sheriff.

(8) Any person who fails to comply with any of the requirements specified in 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 or to both.

Changes to legislation:

The Contaminants in Food (Scotland) Regulations 2004, Section 9 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument rev (1.1.2006) by [S.S.I. 2005/606 reg 8](#)