
STATUTORY INSTRUMENTS

1992 No. 2364

AGRICULTURE

FOOD

The Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1992

<i>Made</i>	- - - -	<i>5th October 1992</i>
<i>Laid before Parliament</i>		<i>6th October 1992</i>
<i>Coming into force</i>	- -	<i>27th October 1992</i>

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), 18(1)(c), 26(3), and 48(1) of the Food Safety Act 1990⁽¹⁾, and the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, being designated Ministers⁽²⁾ for the purposes of section 2 of the European Communities Act 1972⁽³⁾ in respect of the common agricultural policy of the European Economic Community, in exercise of the powers conferred by section 2 of that Act, 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⁽⁴⁾) with bodies appearing to them to be representative of interests likely to be substantially affected by the Regulations hereby make the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Imported Food and Feedingstuffs (Safeguards against Cholera) (Amendment) Regulations 1992 and shall come into force on 27th October 1992.

(1) 1990 c. 16. Section 4(1) of the Act of 1990 provides a definition of “the Ministers” which is relevant to the powers conferred by that Act 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) in the definition of “affected countr” after the word “mean” there shall be inserted the word “Brazil,”;

(b) after the definition of “affected countr” there shall be inserted:—

““aquaculture produc” means any fish, or any product of a fish, hatched and raised in controlled conditions until placed on the market as a foodstuff and includes seawater or freshwater fish caught in their natural environment when juvenile and kept until they reach the desired commercial size for human consumption and any product of such a fish;

“bivalve mollusc” means a filter-feeding lamellibranch mollusc;”;

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

““fish” means any seawater or freshwater animals, crustaceans or molluscs (other than bivalve molluscs) or parts of them including their roes but excludes aquatic mammals and frogs;”;

(d) after the definition of “fish” there shall be inserted:

““marine bivalve mollusc” means a bivalve mollusc caught in seawater;

“marine fish” means a fish caught in seawater;”.

(3) In regulation 2(1) before the words “No person” there shall be inserted the words “Subject to paragraph (6),”.

(4) In regulation 2(2) for the words “and (5)” shall be substituted the words, “(5) and (6)”.

(5) In regulation 2(3) before the word “fish” there shall be inserted the word “marine”.

(6) After regulation 2(5) there shall be inserted the following:

“(6) The prohibition imposed by paragraphs (1)(a) and (2) does not apply to any marine fish, marine fish product or marine bivalve mollusc or any product thereof which is caught by a vessel of the United Kingdom or of a member State and which is consigned to the territory of the European Economic Community from Peru under the customs procedure introduced by Commission Regulation (EEC) No.137/79(6).”.

(7) In regulation 3(1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (3)” and before the word “fish” shall be inserted the word “fish,”.

(8) In regulation 3(2) before the word “fish” there shall be inserted the word “fish,”.

(9) After regulation 3(2) there shall be inserted:

“(3) The prohibition imposed by paragraph (1) does not apply to any marine fish, marine fish product, or marine bivalve mollusc or product thereof which is caught by a vessel of the United Kingdom or of a member State and which is consigned to the territory of the European Economic Community from Ecuador or Colombia under the customs procedure introduced by Commission Regulation (EEC) No.137/79”.

(10) After regulation 3 there shall be inserted:

(5) S.I. 1991/2486 as amended by S.I. 1991/2934.

(6) OJ No. L20 pp1-8 27.1.79.

“Prohibition on importation of fish products from Brazil

3A.—(1) No person shall import into Great Britain—

- (a) any aquaculture product from Brazil;
- (b) any bivalve mollusc from Brazil which has not been heat-treated or any product thereof.

(2) Subject to paragraphs (3) and (4) no person shall import into Great Britain any fish or fish product or heat-treated bivalve mollusc or any product thereof from Brazil.

(3) The prohibition imposed by paragraph (2) does not apply to any marine fish or marine fish product or marine bivalve mollusc or product thereof which is caught by a vessel of the United Kingdom or of a member State and which is consigned to the territory of the European Economic Community from Brazil under the customs procedure introduced by Commission Regulation (EEC) No.137/79.

(4) The prohibition imposed by paragraph (2) does not apply to fish, fish products, heat-treated bivalve molluscs or products thereof which are imported as, or as part of, a consignment which is accompanied by a numbered and dated document issued by and signed by an authorised officer of the Federal Inspection Service of the Ministry of Agriculture of Brazil (“SIF”) containing the particulars mentioned in paragraph 1 of Schedule 4 and the declaration mentioned in paragraph 2 of Schedule 4.”.

(11) In regulation 5(1) before the word “fish” there shall be inserted the word “fish,” and after the word “country” shall be inserted the words “other than Brazil”.

(12) In regulation 6(1) after “3(1)” there shall be inserted, “3A(1) or (2)”.

(13) In regulation 7(2) after “Health” there shall be inserted, “the Federal Inspection Service of the Ministry of Agriculture of Brazil”.

(14) After Schedule 3 there shall be inserted:

“SCHEDULE 4

Regulation 3A(4)

CONTENTS OF SIF CERTIFICATE RELATING TO FISH AND HEAT-TREATED BIVALVE MOLLUSCS (AND THEIR PRODUCTS) FROM BRAZIL.

1. The following particulars:

- (a) a description of the consignment;
- (b) a description of the nature of the treatment which the consignment has undergone;
- (c) the registration and approval number of the factory.

2. A declaration that:

- (a) the factory is subject to an inspection regime enforced by the agents of SIF;
- (b) the processing methods conform to the standards laid down in the DIPOA-3 circular No. 004/92 issued by the Technical Inspection Team for Fish and Fish Products of the Brazilian Federal Public Service and dated 15th January 1992.”

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

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

L.S.

5th October 1992.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

5th October 1992

Cumberlege
Parliamentary Under Secretary of State
Department of Health

5th October 1992

Gwilym Jones
Parliamentary Under Secretary of State Welsh
Office

5th October 1992

Hector Monro
Parliamentary Under Secretary of State Scottish
Office

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Imported Food and Feedingstuffs (Safeguards against Cholera) Regulations 1991 (“the 1991 Regulations”) in consequence of Commission Decisions 92/147 EEC (OJ No. L61 p.27) and [92/356/EEC](#) (OJ No. L192 p.69).

The Regulations extend the provisions of the 1991 Regulations by prohibiting the importation into Great Britain of aquaculture products and non heat-treated bivalve molluscs from Brazil (regulation 2(10)).

Subject to that prohibition the Regulations allow the importation into Great Britain of fish products and bivalve molluscs from Brazil provided requirements as to certification and inspection are followed (regulation 2(10), (13) and (14)).

Subject to the same prohibition the Regulations allow the importation into Great Britain of fish products and bivalve molluscs from Brazil, Colombia, Ecuador and Peru if caught by vessels of the United Kingdom or of other member States and consigned to the Territory of the European Economic Community under the customs procedure introduced by Commission Regulations ([EEC](#)) No. 137/79 (regulation 2(6), (9) and (10)).

A copy of the circular referred to in regulation 2(14), together with a translation of it, may be obtained from the Departmental Library, Department of Health, Hannibal House, Elephant and Castle, London SE1 upon payment of a charge for photocopying.