
WELSH STATUTORY INSTRUMENTS

2002 No. 2296

**The Food (Figs, Hazelnuts and Pistachios from Turkey)
(Emergency Control) (Wales) (No. 2) Regulations 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 of a port health authority or as the case may be food authority that they have been imported in contravention of regulation 3(1) or transported in contravention of regulation 3 (2) the authorised officer may after appropriate consultation with a person appearing to the authorised officer to be the importer serve on that person a notice ordering—

- (a) the re-dispatch of the Turkish products outside the European Community; or
- (b) (where such re-dispatch would in the opinion of the authorised officer involve serious risks to human health) the destruction of the Turkish products.

(2) Any person who is aggrieved by the decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court.

(3) The procedure on an appeal to a magistrates' court under paragraph (2) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980(1) shall apply to the proceedings.

(4) The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be one month from the date on which the notice was served and the making of the complaint shall be deemed for the purpose of this paragraph to be the bringing of the appeal.

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

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

(6) If the court allows an appeal under paragraph (2) it 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 arbitration.