

WELSH STATUTORY INSTRUMENTS

2003 No. 2910

The Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003

Re-dispatch or destruction of illegal imports

6.—(1) If on an inspection or examination of any Egyptian peanuts 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 (2) the authorised officer 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 Egyptian peanuts outside the European Community within such reasonable period as shall be specified in the notice; or
- (b) (where such re-dispatch would in the authorised officer's opinion involve serious risks to human health) the destruction of the Egyptian peanuts within such reasonable period as shall be so specified.

(2) ^{F1}... 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.

(3) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court, which shall determine whether or not the notice [^{F2}should be upheld or set aside].

(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 and the making of the complaint shall be deemed for the purpose of this paragraph to be the bringing of the appeal.

(5) The procedure on an appeal to a magistrates' court under paragraph (3) shall be by way of complaint for an order and the Magistrates' Courts Act 1980 ^{M1} shall apply to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned shall compensate the owner of the Egyptian peanuts 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.

(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.

Textual Amendments

F1 Words in [reg. 6\(2\)](#) omitted (8.2.2004) by virtue of [The Food \(Emergency Control\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2004 \(S.I. 2004/245\)](#), regs. 1(1), [4\(2\)](#)

F2 Words in [reg. 6\(3\)](#) substituted (8.2.2004) by [The Food \(Emergency Control\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2004 \(S.I. 2004/245\)](#), regs. 1(1), [4\(3\)](#)

Changes to legislation: There are currently no known outstanding effects for the *The Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003, Section 6. (See end of Document for details)*

Marginal Citations

M1 1980 c. 43.

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