
WELSH STATUTORY INSTRUMENTS

2005 No. 364

The Contaminants in Food (Wales) Regulations 2005

Secondary treatment of food imported into Wales that does not comply with these Regulations

9.—(1) In relation to any food which —

- (a) is of the type referred to in Article 4.3 a, b and d of the Commission Regulation; and
- (b) in respect of which an authorised officer may serve a notice in accordance with regulation 8(1),

the authorised officer may, after appropriate consultation with a person appearing to him or her to be the importer of the food, serve on that person a notice requiring him or her to —

- (aa) deal with the food only in compliance with Article 4.3 of the Commission Regulation; and
- (bb) place the food on the market as soon as is reasonably practicable.

(2) The notice served under paragraph (1) is to 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 the decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court, which determines whether or not the notice should be upheld or set aside.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought is 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays and the making of the complaint is 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) is by way of complaint for an order, and the Magistrates' Court Act 1980 applies to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned is to 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) is determined by arbitration.

(8) Any person who fails to comply with any of the requirements specified in a notice served under paragraph (1) is 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.