

WELSH STATUTORY INSTRUMENTS

2009 No. 3376

The Official Feed and Food Controls (Wales) Regulations 2009

PART 3

OFFICIAL CONTROLS ON FEED AND FOOD OF NON-ANIMAL ORIGIN FROM THIRD COUNTRIES

Offences and penalties

41.—(1) Any person who—

- (a) contravenes or fails to comply with any of the specified [^{F1}import] provisions;
- (b) contravenes or fails to comply with paragraph (3) of regulation 26, paragraph (5) of regulation 27 ^{F2}...;
- (c) contravenes any of the prohibitions in paragraph (1) of regulation 28;
- (d) to the extent that contravention or failure to comply with regulation 29 does not constitute an offence under regulation 40, contravenes or fails to comply with regulation 29; or
- (e) fails to comply with a notice served upon him under the Import Provisions,
- [^{F3}(f) contravenes or fails to comply with the provisions of any instrument made under Article 53 of Regulation 178/2002.]

is guilty of an offence.

[^{F4}(1A) Any person who imports into Wales or places on the market any sprouts or seeds intended for sprouting which do not comply with the certification requirements of [^{F5}Article 13 of Regulation 2019/625, in so far as it applies to sprouts and seeds intended for the production of sprouts, as read with Article 27 of Regulation 2019/628] shall be guilty of an offence.]

(2) Subject to paragraph (3), a person guilty of an offence under this Part of these Regulations will be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 40 will be 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.

Textual Amendments

- F1** Word in reg. 41(1)(a) inserted (23.11.2010) by [The Animal Feed \(Wales\) Regulations 2010 \(S.I. 2010/2652\)](#), regs. 1, **16(4)**
- F2** Words in reg. 41(1)(b) omitted (31.12.2020) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(3), **10(12)(a)**

Changes to legislation: There are currently no known outstanding effects for the The Official Feed and Food Controls (Wales) Regulations 2009, Section 41. (See end of Document for details)

- F3** Reg. 41(1)(f) inserted (31.12.2020) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments and Saving Provision) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1581), regs. 1(3), **10(12)(b)**
- F4** Reg. 41(1A) inserted (31.12.2013) by The Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Wales) Regulations 2013 (S.I. 2013/3007), regs. 1(2), **4(3)**
- F5** Words in reg. 41(1A) substituted (31.12.2020) by The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487), regs. 1(2), **3(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Official Feed and Food Controls (Wales) Regulations 2009, Section 41.