SCOTTISH STATUTORY INSTRUMENTS

2000 No. 15

FOOD

The Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000

Made - - - -	*24th January 2000*
Laid before the Scottish Parliament - - - -	*27th January 2000*
Coming into force - -	*17th February 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990(**1**),and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000 and shall come into force on 17th February 2000.

(2) This Order extends to Scotland only.

(3) In this Order–

"the Act" means the Food Safety Act 1990;

"the Commission Decision" means Commission Decision 1999/788/EC on protective measures with regards to contamination by dioxins of certain products of porcine and poultry origin intended for human or animal consumption(**2**);

"free circulation" shall be construed in accordance with Article 23.2 of the Treaty establishing the European Community;

"member State" means a member State of the European Community other than Belgium or the United Kingdom; and

"relevant animal product" means an entity coming within any of the following descriptions—

(a) products of Belgian origin covered by Article 1.3 of the Commission Decision, and

(b) products which contain any of the products referred to in sub-paragraph (a) above,

(**1**) 1990 c. 16; section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40). The functions of the Secretary of State so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) O.J. No. L310, 4.12.1999, p.62.

but only includes food.

(4) Other expressions used both in this Order and in the Commission Decision have, in so far as the context admits, the same meaning in this Order as they bear in that Decision.

Exemptions

2.—(1) Article 3 below does not apply to–

(a) the importation into Scotland of any food if, when imported, that food is accompanied by valid certification relating to it, as specified in paragraph (3) below;

(b) any commercial operations in Scotland in relation to food imported into the United Kingdom if it can be proved by the person carrying out the operation that at the time of importation it was so accompanied; or

(c) the return to Belgium, in accordance with Article 4 of the Commission Decision, of any product covered by this Order.

(2) Article 5 below does not, save for sub-paragraphs (a) and (b) of paragraph (1) thereof, apply to any imported food which is accompanied by valid certification relating to it as specified in paragraph (3) below.

(3) The certification to which paragraphs (1)(a) and (b) and (2) above apply is an official certificate signed by the Belgian competent authority in the form called for by Article 2 of that Decision.

Prohibitions

3.—(1) Subject to paragraph (2) below, no person may carry out commercial operations with respect to any relevant animal product.

(2) Paragraph (1) above does not prohibit the bringing into Scotland, from a member State, of any relevant animal product in free circulation in that member State.

Enforcement

4.—(1) This Order is to be enforced and executed by the Scottish Ministers and by each food authority within its area or district as appropriate.

(2) For the purposes of the return to Belgium of any product as specified in article 2(1)(c) above, the competent authority for the purposes of the official certificate is the Scottish Ministers or any authorised officer of a food authority.

(3) Each food authority shall give such assistance and information to the Scottish Ministers as they may request for the purpose of their duties under section 13 of the Act in connection with the implementation of the Commission Decision in relation to food.

Application and modification of various provisions of the Act

5.—(1) Section 9 of the Act (inspection and seizure of suspected food) applies for the purposes of this Order, subject to the following modifications–

(a) the references in subsections (1) and (2) to "food authority" shall be construed as including reference to the Scottish Ministers;

(b) subsections (1) and (2) extend to food which appears to an authorised officer to come within the definition of "relevant animal product";

(c) subsections (3), (4), (5)(a) and (6) to (9) thereof apply–