STATUTORY RULES OF NORTHERN IRELAND

# 2002 No. 82

# FOOD

## Food (Star Anise from Third Countries) (Emergency Control) Order (Northern Ireland) 2002

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| *Made - - - -* | *6th March 2002* |
| *Coming into operation* | *7th March 2002* |

Whereas it appears to the Department of Health, Social Services and Public Safety(**1**) that the import of certain Star Anise consigned from countries which are not Member States of the European Community may, save as permitted by the following Order, involve imminent risk of injury to health;

Now therefore that Department, in exercise of the powers conferred on it by Articles 12(1), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), and of all other powers enabling it in that behalf and having regard, in accordance with Article 47(3A) of the said Order, to relevant advice given by the Food Standards Agency, hearby makes the following Order:

### Citation and commencement

**1.** This Order may be cited as the Food (Star Anise from Third Countries) (Emergency Control) Order (Northern Ireland) 2002 and shall come into operation on 7th March 2002.

### Interpretation

**2.** In this Order—

"the 1991 Order" means the Food Safety (Northern Ireland) Order 1991;

"the Commission Decision" means Commission Decision 2002/75/EC laying down special conditions on the import from third countries of Star Anise(**3**);

"free circulation" has the same meaning as in Article 23.2, as read with Article 24, of the Treaty establishing the European Community;

"Japanese Star Anise" means Star Anise (*Illicium anisatum*, also known as *Illicium religiosum, Illicium japonicum, shikimmi* and *skimmi*);

"member State" means a member State of the European Community;

(**1**) Formerly the Department of Health and Social Services: see S.I.1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraph 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(**3**) O.J. No. L33, 2.2.2002, p. 31

"Star Anise for human consumption" means Star Anise (*Illicium verum*, also known as Chinese Star Anise or Chinese Badian) falling within CN code 0909 10 00 which is intended for human consumption or for use as an ingredient in foodstuffs;

and any term used in the definition of "Star Anise for human consumption" has the same meaning as in the Commission Decision.

**Prohibitions of import**

**3.**—(1) No person shall import any Star Anise for human consumption which has been consigned from a country which is not a member State, except in accordance with the conditions in Article 1.1 and the second sentence of Article 1.2 of the Commission Decision.

(2) Paragraph (1) shall not be taken to prohibit the bringing into Northern Ireland from another member State of Star Anise for human consumption which is in free circulation in that member State.

(3) No person shall import any Japanese Star Anise which has been consigned from a country which is not a member State if it—

(a) is intended for use for human consumption; or

(b) does not bear a label stating that it is not fit for human consumption.

**Enforcement**

**4.**—(1) This Order shall be enforced and executed by each district council within its district.

(2) Each district council shall give such assistance and information to the Department and the Food Standards Agency as they may reasonably request for the purpose of carrying out their duties under Article 12 of the 1991 Order in connection with this Order.

**Application of various provisions of the 1991 Order**

**5.**—(1) The following provisions of the 1991 Order shall apply for the purposes of this Order and any reference in those provisions to the 1991 Order or part thereof shall be construed for the purposes of this Order as a reference to this Order—

(a) Article 4 (presumptions that food intended for human consumption);

(b) Article 19 (offences due to fault of another person);

(c) Article 34(1) (obstruction etc. of officers);

(d) Article 36(1) (punishment of offences) in so far as it relates to offences under Article 34(1) as applied by sub-paragraph (*c*); and

(e) Article 43 (protection of public analyst acting in good faith).

(2) Subject to paragraph (3), Article 8 of the 1991 Order (inspection and seizure of suspected food) shall apply for the purposes of this Order as if it read as follows—

"**8.**—(1) An authorised officer may at all reasonable times inspect any Star Anise for human consumption or Japanese Star Anise which—

(a) has been sold or is offered or exposed for sale; or

(b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale.

(2) Paragraphs (3) to (8) shall apply where, whether or not on an inspection carried out under paragraph (1), it appears to an authorised officer that any Star Anise for human consumption or Japanese Star Anise has been imported in contravention of Article 3(1)