STATUTORY RULES OF NORTHERN IRELAND

2002 No. 33

FOOD

Food and Animal Feedingstuffs (Products of Animal Origin from China) (Control) Regulations (Northern Ireland) 2002

Made - - - -	*7th February 2002*
Coming into operation	*8th February 2002*

The Department of Health, Social Services and Public Safety, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food and Animal Feedingstuffs (Products of Animal Origin from China) (Control) Regulations (Northern Ireland) 2002 and shall come into operation on 8th February 2002.

Interpretation

2.—(1) In these Regulations—

"the Commission Decision" means Commission Decision 2002/69/EC concerning certain protective measures with regard to the products of animal origin imported from China(**3**);

"the Department" means the Department of Agriculture and Rural Development;

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

"the Order" means the Food Safety (Northern Ireland) Order 1991 and, subject to paragraph (2), any expression used both in these Regulations and in the Order has the meaning it bears in the Order;

"relevant product of animal origin" means a product of animal origin falling within either of the following descriptions—

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L30, 31.1.2002, p. 50

(a) products of animal origin originating in, or consigned from, China, and intended for human consumption, or animal feed use, except for any such product which is of a kind to which the derogation contained in Article 2.2 of the Commission Decision (which is concerned with casings and certain fishery products) applies; and

(b) products which contain any product falling within the description given in paragraph (*a*).

(2) Any expression used both in these Regulations and in the Commission Decision has the same meaning in these Regulations as it bears in that Decision.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Disapplication

3. Regulation 4 shall not apply in relation to any relevant product of animal origin to which the derogation contained in Article 3.1 of the Commission Decision (which is concerned with the importation of consignments of products of animal origin which left China prior to 31st January 2002 and arrive in Northern Ireland on or before 13th March 2002) applies.

Prohibition of importation and offence

4.—(1) Subject to paragraph (2) and regulation 3, no person shall import any relevant product of animal origin.

(2) Paragraph (1) shall not be taken to prohibit the bringing into Northern Ireland from another member State of the European Community of any relevant product of animal origin which is in free circulation in that member State.

(3) Any person who knowingly contravenes 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 imprisonment for a term not exceeding three months.

Enforcement

5.—(1) These Regulations shall be enforced and executed by the Department or any district council, or by the Department and any district council acting jointly.

(2) For the purposes of the exercise of the duty referred to in paragraph (1), an authorised officer of the Department or of any district council—

(a) shall have the same powers of entry as are bestowed on an authorised officer by Article 33 of the Order for purposes connected with the Order or Regulations or orders under the Order, and shall also have, in relation to any business producing material for animal feed use, the same power as an authorised officer has under that Article in relation to a food business; and

(b) shall exercise that duty in accordance with Article 4 of the Commission Decision.

(3) Each district council shall give such assistance and information to the Department and the Food Standards Agency as they may reasonably request in connection with the execution and enforcement of these Regulations.

(**4**) 1954 c. 33 (N.I.)