

1999 No. 1542

FOOD

**The Food (Animals and Animal Products from Belgium)
(Emergency Control) Order 1999**

<i>Made - - - -</i>	<i>4th June 1999</i>
<i>Coming into force</i>	<i>5th June 1999</i>
<i>Laid before Parliament</i>	<i>7th June 1999</i>

Whereas it appears to the Minister of Agriculture, Fisheries and Food that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health, now therefore the said Minister, in exercise of the powers conferred on him by sections 6(4), 13(1) and 48(1) of the Food Safety Act 1990(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food (Animals and Animal Products from Belgium) (Emergency Control) Order 1999 and shall come into force on 5th June 1999.

(2) In this Order—

“the Act” means the Food Safety Act 1990;

“animal” includes any bird;

“the Commission Decision” means the Commission Decision 1999/363/EC on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption(b);

“dairy products” means raw milk, heat-treated drinking milk and milk based products as defined by Council Directive 92/46/EEC(c) as amended;

“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;

“port health authority” includes a port local authority and a joint port local authority; and

“relevant animal or animal product” means—

- (a) live animals and hatching eggs as referred to in Article 3 of the Commission Decision save for any animal which is not a food source; and

(a) 1990 c. 16; “the Minister” is defined in section 4(2); section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).

(b) OJ No. L141, 4.6.1999, p. 24.

(c) OJ No. L268, 14.9.92, p.1, to which there are amendments not relevant to this Order.

(b) products of Belgian origin covered by Article 1.2 of the Commission Decision save for any product which is not food,

and also includes pork, beef and dairy products of Belgian origin which is derived from an animal reared in Belgium as it includes poultry meat derived from domestic fowl reared there.

Prohibitions

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

(2) Paragraph (1) above shall not be taken to prohibit the bringing into Great Britain from a member State of any relevant animal or animal product in free circulation in that member State.

Enforcement

3.—(1) It shall be the duty of each food authority and port health authority to enforce and execute this Order within its area or district, as appropriate.

(2) Each port health authority or food authority, as appropriate, shall give such assistance and information to the Minister as he may request for the purpose of his duties under section 13 of the Act.

Application and modification of various provisions of the Act

4.—(1) Section 9 of the Act (inspection and seizure of suspected food) shall apply 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 a port health authority;
- (b) subsections (1) and (2) shall extend to food and food sources which appear to an authorised officer to come within the definition of “relevant animal or animal product”;
- (c) subsections (3) to (9) thereof shall apply—
 - (i) to any food or food source falling within sub-paragraph (b) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and
 - (ii) to any relevant animal or animal product as if it were food which failed to comply with food safety requirements

save that where a notice under subsection (3)(a)(i) is given in relation to a food source, the notice is to relate to food which may come to be derived from the food source, that subsection (6) thereof shall apply in relation to the destruction or disposal of a food source so as to prevent food which may come to be derived from it from being used for human consumption, and that a justice of the peace shall decline to condemn food or food sources falling within sub-paragraph (b) above under subsection (6) thereof if and only if it is proved to him that they do not comprise relevant animals or animal products.

(2) The following provisions of the Act shall apply, subject to paragraph (3) below, for the purposes of this Order and any reference in those provisions to the Act shall be construed for the purposes of this Order as a reference to this Order—

- (a) section 33 (obstruction etc. of officers);
- (b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and
- (c) section 44 (protection of officers acting in good faith).

(3) In section 44 of the Act the references to “food authority” shall be construed as including reference to a port health authority.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 13 of the Food Safety Act 1990 in consequence of it appearing to the Minister of Agriculture, Fisheries and Food that the carrying out of commercial operations with respect to animals and animal products originating from Belgium may involve imminent risk of injury to health.

The Order also provides for the implementation in Great Britain, in relation to food and food sources, of the Commission Decision of 3rd June 1999 on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption in so far as that Decision affects animals and animal products for human consumption.

The Order—

- (a) defines “relevant animal or animal product” and prohibits the carrying out of commercial operations with respect thereto (articles 1 and 2);
- (b) specifies the enforcement authorities (article 3); and
- (c) applies, with modifications, provisions of the 1990 Act (article 4).

Contravention of the Order is an offence under section 13(2) of the 1990 Act.

No Regulatory Impact Assessment has been prepared in relation to this Order.

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