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STATUTORY INSTRUMENTS

2002 No. 602

FOOD, ENGLAND

The Food (Star Anise from Third Countries) (Emergency Control) (England) (Amendment) Order 2002

<i>Made</i>	- - - -	<i>19th March 2002</i>
<i>Laid before Parliament</i>		<i>19th March 2002</i>
<i>Coming into force</i>	- -	<i>20th March 2002</i>

Whereas it appears to the Secretary of State that the import of certain Star Anise consigned from countries which are not member States of the European Community may involve imminent risk of injury to health;

Now therefore the Secretary of State, in exercise of the powers conferred on him by sections 13(1) and 48(1) of the Food Safety Act 1990(1), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, makes the following Order:

Title and commencement

1. This Order may be cited as the Food (Star Anise from Third Countries) (Emergency Control) (England) (Amendment) Order 2002 and shall come into force on 20th March 2002.

Amendment of the Food (Star Anise from Third Countries) (Emergency Control) (England) Order 2002

2. The Food (Star Anise from Third Countries) (Emergency Control) (England) Order 2002(2) shall be amended in accordance with articles 3 and 4.

(1) 1990 c. 16; functions under the 1990 Act relating to emergency control orders, which were originally exercisable, in relation to England and Wales, by the Minister of Agriculture, Fisheries and Food or the Secretary of State and, in relation to Scotland, by the Secretary of State, became exercisable in relation to England by the Secretary of State alone by virtue of paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28). In relation to Scotland, those functions were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act. In relation to Wales, those functions were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Paragraphs 11 and 21 of Schedule 5 to the 1999 Act amend respectively sections 13 and 48 of the 1990 Act.

(2) S.I. 2002/334.

3. In article 3 (prohibitions of import) after paragraph (3) there shall be added the following paragraph—

“(4) For the purposes of compliance with paragraph (1) above, the competent authority referred to in the second sentence of Article 1.2 of the Commission Decision shall be the authority which by virtue of article 4 is made responsible for executing and enforcing this Order at the point of entry for the import concerned.”.

4. In paragraph (1) of article 5 (application of various provisions of the Act) for sub-paragraphs (d) and (e) there shall be substituted the following sub-paragraphs—

- “(d) section 35(1) (punishment of offences), insofar as it relates to offences under section 33(1) as applied by sub-paragraph (c) above;
- (e) section 36 (offences by bodies corporate); and
- (f) section 44 (protection of officers acting in good faith).”.

Signed by authority of the Secretary of State for Health

19th March 2002

Yvette Cooper
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 13 of the Food Safety Act 1990 for the purpose of inserting certain provisions into the Food (Star Anise from Third Countries) (Emergency Control) (England) Order 2002 (S.I. 2002/334).

This Order amends S.I. 2002/334 by—

- (a) inserting into article 3 (prohibitions of import) a provision which specifies the identity of the competent authority to which prior notification of star anise imported from third countries has to be given (article 3); and
- (b) inserting a reference to section 36 of the Food Safety Act 1990 (offences by bodies corporate) into article 5(1), the provision which applies certain provisions of that Act for the purposes of the instrument (article 4).

No regulatory impact assessment has been prepared in relation to this Order.