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WELSH STATUTORY INSTRUMENTS

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**2003 No. 1119**

**The Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003**

**Re-dispatch or destruction of illegal imports**

6.—(1) If on an inspection or examination of any Iranian pistachios it appears to an authorised officer of a port health authority or as the case may be food authority that they have been imported in contravention of regulation 3(1) or (2) he or she may after appropriate consultation with a person appearing to him or her to be the importer serve on that person a notice ordering —

- (a) the re-dispatch of the Iranian pistachios outside the European Community within such reasonable period as shall be specified in the notice; or
- (b) (where such re-dispatch would in his or her opinion involve serious risks to human health) the destruction of the Iranian pistachios within such reasonable period as shall be so specified.

(2) In any case where such an appeal as is mentioned in paragraph (3) may be brought the notice served under paragraph (1) shall state —

- (a) the right of appeal to a magistrates' court; and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court, which shall determine whether or not the notice was lawfully served.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays and the making of the complaint shall be deemed for the purpose of this paragraph to be the bringing of the appeal.

(5) The procedure on an appeal to a magistrates' court under paragraph (3) shall be by way of complaint for an order and the Magistrates' Court Act 1980(1) shall apply to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned shall compensate the owner of the Iranian pistachios concerned for any depreciation in their value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by arbitration.

(8) Any person who breaches the terms of a notice served under 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 to imprisonment for a term not exceeding three months.