STATUTORY INSTRUMENTS

1999 No. 1764

FOOD

The Animal Feedingstuffs from Belgium (Control) (Amendment) Regulations 1999

Made - - - -	*29th June 1999*
Laid before Parliament	*29th June 1999*
Coming into force	*30th June 1999*

The Minister of Agriculture, Fisheries and Food being a Minister designated**(a)** for the purposes of section 2(2) of the European Communities Act 1972**(b)** in relation to the common agricultural policy of the European Community, acting in exercise of the powers conferred on him by that section and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Animal Feedingstuffs from Belgium (Control) (Amendment) Regulations 1999 and shall come into force on 30th June 1999.

(2) In these Regulations "the principal Regulations" means the Animal Feedingstuffs from Belgium (Control) Regulations 1999**(c)**.

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 7 of these Regulations.

3. In regulation 1 (title, commencement, extent and interpretation) for paragraph (2) there shall be substituted the following–

"(2) In these Regulations, unless the context otherwise requires–

"the Act" means the Food Safety Act 1990**(d)** and any expressions used both in these Regulations and in the Act have the meaning they bear in the Act;

"controlled entity" means any creature, product or material which is excluded from the definition of "relevant animal or animal product" in the Order solely by reason that it is neither food nor a food source; and

"the Order" means the Food (Animals and Animal Products from Belgium) (Emergency Control) Order 1999**(e)** and any expressions used both in these Regulations and in the Order have the meaning they bear in the Order.".

4. After regulation 1 there shall be inserted the following–

(a) S.I. 1972/1811.
(b) 1972 c. 68.
(c) S.I. 1999/1543.
(d) 1990 c. 16.
(e) S.I. 1999/1542, amended by S.I. 1999/1763.

"**Exemptions**

1A.—(1) Regulation 2 of these Regulations shall not apply to–

(a) the importation of any controlled entity, if when imported, that controlled entity is accompanied by valid certification relating to it, as specified in paragraph (3) below;

(b) any subsequent activity in relation to the controlled entity, if it can be proved by the person carrying out the activity that at the time of importation it was so accompanied; or

(c) the return to Belgium, under cover of an official certificate in accordance with Article 3a of Commission Decision 1999/363/EC or, as the case may be, Article 3a of Commission Decision 1999/389/EC, of any controlled entity.

(2) Regulation 4 of these Regulations shall not, save for sub-paragraphs (a) and (b) of paragraph (1) thereof, apply to any imported controlled entity which is accompanied by valid certification relating to it as specified in paragraph (3) below.

(3) The certification to which paragraphs (1)(a) and (b) and (2) above apply is the certification which would have applied in relation to the controlled entity by virtue of Article 1A of the Order, had the Order extended to controlled entities.".

5. In regulation 2 (prohibitions and offence)–

(a) at the end of paragraph (1)(e) the words "for that purpose" shall be deleted; and

(b) in paragraph (3) immediately after the word "who" there shall be inserted the word "knowingly".

6. In regulation 3 (enforcement)–

(a) for paragraph (1) there shall be substituted the following paragraphs–

"(1) These Regulations shall be enforced and executed by each relevant authority, namely the Minister of Agriculture, Fisheries and Food, the Secretary of State and each food authority and port health authority within its area or district, as appropriate.

(1A) For the purposes of the return to Belgium of any product as specified in regulation 1A(1)(c) of these Regulations the competent authority for the purposes of the official certificate shall be the Minister of Agriculture, Fisheries and Food, the Secretary of State, any authorised officer of a food authority or any inspector appointed by such an authority, where it is also an authority with responsibilities under Part IV of the Agriculture Act 1970**(a)**, under section 67 of that Act.";

(b) in paragraph (2) for the words "food authority" there shall be substituted the words "relevant authority", and at the end there shall be added the words "and shall also have, in relation to any business producing material to feed to animals, the same power as an authorised officer of an enforcement authority has under that section in relation to a food business"; and

(c) after paragraph (2) there shall be added the following paragraph–

"(3) Each port health authority or food authority, as appropriate, shall give such assistance and information to the Minister of Agriculture, Fisheries and Food or the Secretary of State as he may request for the purpose of implementing Commission Decisions 1999/363/EC and 1999/389/EC in relation to controlled entities.".

7. In regulation 4 (application and modification of various provisions of the Act)–

(a) in sub-paragraph (a) of paragraph (1) after the words "port health authority" there shall be inserted the words ", the Minister of Agriculture, Fisheries and Food, and the Secretary of State"; and

(b) at the end of sub-paragraph (c) of paragraph (1) there shall be inserted the words "or are to be returned to Belgium as specified in regulation 1A(1)(c) of these Regulations".

Nick Brown
29th June 1999 — Minister of Agriculture, Fisheries and Food

(a) 1970 c. 40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal Feedingstuffs from Belgium (Control) Regulations 1999 ("the principal Regulations") to provide for the implementation in Great Britain, in relation to products for animal feeding, of–

(a) Commission Decision 1999/363/EC on protective measures with regards to consumption by dioxins of certain animal products intended for human or animal consumption (OJ No. L141, 4.6.1999, p. 24) and Commission Decision 1999/389/EC on protective measures with regards to contamination by dioxins of products intended for human consumption derived from bovine animals and pigs and revoking Decision 1999/368/EEC (OJ No. L147, 12.6.1999, p. 26) in so far as those Decisions extend to products containing products of Belgian origin;

(b) Commission Decision 1999/390/EC on protective measures with regards to contamination by dioxins of certain products of animal origin intended for human or animal consumption and amending Decision 1999/363/EC and Decision 1999/389/EC (OJ No. L147, 12.6.1999, p. 29); and

(c) Commission Decision 1999/419/EC amending Decisions 1999/363/EC and 1999/389/EC as regards protective measures with regard to contamination of certain products by dioxins (OJ No. L159, 25.6.1999, p. 60).

The Regulations–

(a) correct a reference to the Food (Animals and Animal Products from Belgium) (Emergency Control) Order 1999 (regulation 3);

(b) extend the prohibition on imports and exports to imports and exports for any purpose but provide for exemptions in respect of imports which are accompanied by appropriate certification and return of products to Belgium under cover of an official certificate signed on behalf of the Minister of Agriculture, Fisheries and Food, the Secretary of State or a food authority (regulations 4, 5 and 6);

(c) amend the offence provision in regulation 2 of the principal Regulations (regulation 5); and

(d) provide–

(i) that the Minister and the Secretary of State shall, in addition to food authorities and port health authorities, enforce and execute the principal Regulations and in consequence thereof further modify the application of provisions of the Food Safety Act 1990; and

(ii) for the food authorities and port health authorities to give assistance and information to the Minister or the Secretary of State for the purposes of implementing the Decisions in question (regulations 6 and 7).

No Regulatory Impact Assessment has been prepared.

STATUTORY INSTRUMENTS

1999 No. 1764

FOOD

The Animal Feedingstuffs from Belgium (Control) (Amendment) Regulations 1999

£1.50

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

WO 5090 7/99 ON (MFK)