

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2003 No. 396**

**The Food (Brazil Nuts) (Emergency  
Control) (Scotland) Regulations 2003**

**Prohibition on import**

- 3.—(1) Subject to paragraph (3), no person shall import into Scotland any Brazil nuts unless—
- (a) the conditions specified in Articles 1.1, 2 and 3.1 of the Commission Decision are satisfied in relation to those Brazil nuts; or
  - (b) the derogation contained in Article 1.2 of the Commission Decision (which is concerned with consignments which left Brazil prior to 5th July 2003) is satisfied in relation to them,
- and in either case—
- (c) an official document has been issued in accordance with Article 4.4 of the Commission Decision which shows that the Brazil nuts comply with the provisions of Regulation (EC) No. 466/2001 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.
- (2) Subject to paragraph (3), no person shall import any Brazil nuts into Scotland except through a point of entry listed in Annex II to the Commission Decision.
- (3) Paragraphs (1) and (2) shall not be taken to prohibit the bringing into Scotland—
- (i) from another member State of the European Community of Brazil nuts which are in free circulation in that member State; or
  - (ii) from England, Wales or Northern Ireland of Brazil nuts which have been imported into the United Kingdom in accordance with the Commission Decision.
- (4) Any person who knowingly contravenes paragraphs (1) or (2) 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.