
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 414

The Food (Pistachios from Iran) (Emergency Control) (Scotland) 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 food authority that they have been imported in contravention of regulation 3(1) or (2) the authorised officer may after appropriate consultation with a person appearing 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 the opinion of the authorised officer involve serious risks to human health or where the period specified in a notice issued under this paragraph for the re-dispatch of Iranian pistachios has elapsed and the Iranian pistachios have not been re-dispatched) the destruction of the Iranian pistachios within such reasonable period as shall be specified in the notice.

(2) Any notice served under paragraph (1) shall state—

- (a) the right of appeal to the sheriff under paragraph (4); and
- (b) the period within which such an appeal may be brought.

(3) The person on whom a notice has been served under paragraph (1) shall ensure that the Iranian pistachios to which the notice applies are stored until re-dispatch or destruction under the supervision of the authorised officer at such places and under such conditions as the authorised officer may in the notice direct.

(4) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to the sheriff, who may confirm or cancel the notice.

(5) The period within which such an appeal as is mentioned in paragraph (4) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and public holidays.

(6) Pending determination of an appeal under paragraph (4), paragraph (3) shall apply to the storage of the Iranian pistachios concerned.

(7) If the sheriff allows an appeal brought under paragraph (4) 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.

(8) Any disputed question as to the right to or the amount of any compensation payable under paragraph (7) shall be determined by a single arbiter appointed, failing agreement between the parties, by the sheriff.

(9) 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.

(10) The costs of re-dispatch, storage and destruction of Iranian pistachios under this regulation shall be borne by the importer.