
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 419

FOOD

The Food (Peanuts from China) (Emergency Control) (Scotland) Amendment Regulations 2003

Made - - - - 8th September 2003
Laid before the Scottish Parliament - - - - 9th September 2003
Coming into force - - 30th September 2003

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Food (Peanuts from China) (Emergency Control) (Scotland) Amendment Regulations 2003 and shall come into force on 30th September 2003.

(2) These Regulations extend to Scotland only.

Amendment to the Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002

2.—(1) The Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002⁽²⁾ are amended in accordance with paragraph (2).

(2) In Regulation 2 (Interpretation)—

(a) for the definition of “the Commission Decision” substitute—

““the Commission Decision” means Commission Decision [2002/79/EC](#)⁽³⁾ imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China as amended by Commission Decision [2002/233/EC](#)⁽⁴⁾, Commission Decision [2002/678/EC](#)⁽⁵⁾ and Commission Decision [2003/550/EC](#)⁽⁶⁾”; and

(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the 1972 Act, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) [S.S.I. 2002/425](#).

(3) O.J. No. L 34, 5.2.02, p.21.

(4) O.J. No. L 78, 21.3.02, p.14.

(b) after Regulation 4(3) (Enforcement) insert–

“; and

(c) Article 1.7 of the Commission Decision (which provision is concerned with the case where consignments are split)”.

St Andrew’s House, Edinburgh
8th September 2003

TOM McCABE
Authorised to sign by the Scottish Ministers

(5) O.J. No. L 229, 27.8.02, p.33.
(6) O.J. No. L 187, 26.7.03, p.39.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Food (Peanuts from China) (Emergency Control) (Scotland) (No. 2) Regulations 2002 ([S.S.I. 2002/425](#)) (“the principal Regulations”).

The principal Regulations implement Commission Decision [2002/79/EC](#) imposing special conditions on the import of peanuts and certain products derived from peanuts originating in, or consigned from China (O.J. No. L 34, 5.2.2002, p.21) as amended by Commission Decision [2002/233/EC](#) (O.J. No. L 78, 21.3.2002, p.14) and Commission Decision [2002/678/EC](#) (O.J. No. L 229, 27.8.2002, p.33).

These Regulations implement Commission Decision [2003/550/EC](#) (O.J. No. L 187, 26.7.2003, p.39) which further amends Commission Decision [2002/79/EC](#).

The principal changes effected by these Regulations are that–

- (a) the period for which consignments subject to sampling and analysis may be detained is increased from 10 to 15 working days; and
- (b) where a consignment is split, copies of the health certificate and analysis certificate must accompany each part of the consignment. (Regulation 2).

No regulatory impact assessment has been prepared in relation to these Regulations.