
STATUTORY INSTRUMENTS

1991 No. 370

FOOD

FOOD SAFETY

The Imported Food (Peruvian Foodstuffs) Regulations 1991

<i>Made</i>	- - - -	<i>28th February 1991</i>
<i>Laid before Parliament</i>		<i>28th February 1991</i>
<i>Coming into force</i>	- -	<i>1st March 1991</i>

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State respectively concerned with health in England and food and health in Wales acting jointly in respect of England and Wales and the Secretary of State for Scotland in respect of Scotland in exercise of the powers conferred by sections 6(4), 18(1)(c), 26(3) and 48(1)(a) of the Food Safety Act 1990(1), and all other powers enabling them in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Imported Food (Peruvian Foodstuffs) Regulations 1991, and shall come into force on 1st March 1991.

(2) In the Schedules to these Regulations except where the context otherwise requires, a reference to any description of food is a reference to that food when not combined with other ingredients except—

- (a) salt; or
- (b) in the case of fruit, oil or wax.

Prohibition on importation of Peruvian food

2.—(1) Subject to paragraph (2) of this regulation, the importation into Great Britain of food which has been harvested in Peru or subjected in Peru to any process of cleaning, freezing, packaging or washing is prohibited.

(2) The prohibition imposed by paragraph (1) of this regulation does not apply to food which—

- (a) is a canned foodstuff with a pH value less than 4.5; or
- (b) subject to paragraph (4) of this regulation is of a description—

(1) 1990 c. 16. Section 4(1) provides a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations.

- (i) specified in Schedule I to these Regulations; or
- (ii) specified in Schedule 2 to these Regulations and at least 21 days have elapsed at the time of its arrival in Great Britain since it left Peru and, in the case of melons the skin is undamaged.

(3) Any person who imports into Great Britain any food in contravention of paragraph (1) of this regulation shall be guilty of an offence triable summarily and liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

(4) Nothing in sub-paragraph (b) of paragraph (2) of this regulation or the Schedules to these Regulations shall be taken to permit the importation into Great Britain of any canned foodstuff whose pH value is 4.5 or more, and in these Regulations “pH value” means the negative decimal logarithm of the concentration of hydrogen ions expressed in moles per litre.

Application of provisions of the Food Safety Act 1990

3.—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of an offence under regulation 2(3) of these Regulations as they apply for the purposes of an offence under Part 11 of that Act:—

section 30(8) (which relates to documentary evidence);

section 36 (offences by bodies corporate).

(2) Each of the following sections of the Food Safety Act 1990 shall apply to proceedings for an offence under regulation 2(3) of these Regulations as they apply to proceedings for an offence under any of the provisions in Part II of that Act which precede that section:—

section 20 (offence due to fault of another person);

section 21 (defence of due diligence).

Execution and enforcement

4.—(1) Subject to paragraph (2) below these Regulations shall be enforced and executed—

(a) as respects each London borough or district in England and Wales, by the council of that borough or district;

(b) as respects the City of London (including the Temples), by the Common Council;

(c) as respects an islands area or district in Scotland by the islands or district council.

(2) Where any functions under the Food Safety Act 1990 are assigned—

(a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984⁽²⁾ to a port health authority; or

(b) by an order under section 172 of the Public Health (Scotland) Act 1897⁽³⁾ to a port local authority;

these Regulations shall be enforced by that authority within its area and not by the food authority mentioned in paragraph (1) of this regulation.

(2) 1984 c. 22.

(3) 1897 c. 38.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 28th day of February 1991.

L.S.

28th February 1991

Trumpington
Minister of State, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health.

28th February 1991

Stephen Dorrell
Parliamentary Under-Secretary of State,
Department of Health

Signed by authority of the Secretary of State for Wales.

28th February 1991

Nicholas Bennett
Parliamentary Under-Secretary of State, Welsh
Office

Signed by authority of the Secretary of State for Scotland.

28th February 1991

Michael B. Forsyth
Minister of State, Scottish Office

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SCHEDULE 1

Regulation 2(1)

PERUVIAN FOODSTUFFS NOT SUBJECT TO PROHIBITION

Coffee

Dried cereals

Dried whole pulses

Mangoes which have been cut or diced and which have a pH value less than 4.5.

Nuts (whether in shell or shelled)

Spices and condiments which have been properly irradiated in accordance with the Food (Control of Irradiation) Regulations 1990(4).

Tea

SCHEDULE 2

Regulation 2(2)

PERUVIAN FOODSTUFFS NOT SUBJECT TO PROHIBITION IN CERTAIN CIRCUMSTANCES

Asparagus

Dried fruit

Melons

Mushrooms

Whole Mangoes

Onions

Spices and condiments (other than those mentioned in Schedule I to these Regulations)

Strawberries

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the importation into Great Britain of Peruvian food, (regulation 2(1)) exceptions to the prohibition are provided (regulation 2(2) and Schedules 1 and 2). The provisions of the Food Safety Act 1990 relating to the commission of offences by corporations, or as a result of another person's fault, documentary evidence and the defence of due diligence, are applied to the offence of importing Peruvian food in breach of the Regulations (regulations 2(3) and 3). The Regulations are to be enforced by specified food authorities, port health authorities and port local authorities (regulation 4).

(4) S.I.1990/2490.

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