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STATUTORY INSTRUMENTS

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**1992 No.1122**

**AGRICULTURE  
FOOD**

**The Imported Food (Safeguards against Paralytic  
Toxin) (Pectinidae from Japan) Regulations 1992**

<i>Made</i>	- - - -	<i>7th May 1992</i>
<i>Laid before Parliament</i>		<i>8th May 1992</i>
<i>Coming into force</i>	- -	<i>29th May 1992</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and with food and health in Wales, acting jointly as respects England and Wales, and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred by sections 6(4), 16(1)(f), 17(1), 18(1)(c), 26(3), and 48(1) of the Food Safety Act 1990(1), and of all other powers respectively enabling them in that behalf, after consultation (in so far as required by section 48(4) of the Act of 1990) with bodies appearing to them to be representative of interests likely to be substantially affected by the regulations, hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Imported Food (Safeguards against Paralytic Toxin) (Pectinidae from Japan) Regulations 1992 and shall come into force on 29th May 1992.

(2) In these Regulations—

“the Act” means the Food Safety Act 1990; and

“relevant bivalve mollusc” means a bivalve mollusc of the pectinidae family which has been—

- (a) harvested in Japan;
- (b) landed in Japan;
- (c) subjected to any process or preparation in Japan; or
- (d) consigned from Japan by way of export.

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(1) 1990 c. 16. Section 4(1) contains a definition of Ministers relevant to the powers conferred by that Act being exercised in the making of these Regulations.

### **Prohibition of imports of relevant bivalve molluscs**

2. No person shall import into Great Britain any food or food source comprising or containing a relevant bivalve mollusc or any food comprising or containing anything derived from a relevant bivalve mollusc by means of any process or preparation.

### **Offences**

3. Any person who contravenes regulation 2 of these Regulations shall be guilty of an offence, triable only summarily, and liable on conviction to imprisonment for a period 5 on the standard scale, or to both.

### **Application of provisions of the Food Safety Act 1990**

4. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 and 15 of the Act and, unless the context otherwise requires, a reference in them to the Act shall be construed as including a reference to these Regulations:

- section 20 (offences due to fault of another person);
- subsections (1), (5) and (6) of section 21 (defence of due diligence);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc. of officers); and
- section 36 (offences by bodies corporate).

### **Enforcement and execution**

5.—(1) Subject to paragraph (2) of this regulation, 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; and
  - (c) as respects each islands area or district in Scotland, by the islands or district council.
- (2) Where any functions are assigned—
- (a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984<sup>(2)</sup> to a port health authority; or
  - (b) by an order under section 172 of the Public Health (Scotland) Act 1897<sup>(3)</sup> to a port local authority;

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

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(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 on 7th May 1992.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

7th May 1992

*Cumbeilege*  
Parliamentary Under Secretary of State  
Department of Health

7th May 1992

*David Hunt*  
Secretary of State for Wales

7th May 1992

*Hector Monroe*  
Parliamentary Under-Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prohibit the importation into Great Britain of bivalve molluscs of the pectinidae family originating in Japan (whether dead or alive), and any products thereof, (regulation 2).

The prohibition contained in regulation 2 gives effect to Commission Decision [92/91/EEC](#) concerning protective measures with respect to scallops originating in Japan (OJNo. L32, 8.2.92, p. 37).

Contravention of regulation 2 is an offence (regulation 3). Various provisions of the Food Safety Act 1990 are applied for the purposes of the Regulations (regulation 4).

The Regulations are to be enforced in England and Wales by district councils, London borough councils and the Common Council of the City of London, and in Scotland by district and islands councils, except that within the area of port health authorities in England and Wales or port local authorities in Scotland, they are instead to be enforced by those authorities (regulation 5).