

This Order has been printed to correct errors in S.I. 1998/1277 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1998 No. 1284

FOOD

The Food (Cheese) (Emergency Control) (Amendment) Order 1998

<i>Made</i>	- - - -	<i>21st May 1998</i>
<i>Laid before Parliament</i>		<i>22nd May 1998</i>
<i>Coming into force</i>	- -	<i>22nd May 1998</i>

The Secretary of State, in exercise of the powers conferred by sections 13(1) and 48(1) and (2) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, it appearing to him that the carrying out of any commercial operation with respect to the class or description of food specified in the Food (Cheese) (Emergency Control) Order 1998⁽²⁾ involves or may involve imminent risk of injury to health, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Food (Cheese) (Emergency Control) (Amendment) Order 1998 and shall come into force on 22nd May 1998.

Amendment of article 4(2) of the Food (Cheese) (Emergency Control) Order 1998

2. In article 4(2) of the Food (Cheese) (Emergency Control) Order 1998 (modification of section 9 of the Food Safety Act 1990), for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

- “(b) in subsection (4) there shall be substituted for the words from “whether or not” to the end the words “whether the food is cheese which is prohibited by an Order made under section 13 of this Act and—
- (a) if he determines that it is not, he shall forthwith withdraw the notice;
 - (b) if he determines that it is, he shall seize the cheese and remove it in order to have it dealt with by a justice of the peace.”;

(1) 1990 c. 16; section 4(2) defines the Minister to include the Secretary of State.
(2) S.I. 1998/1277.

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- (c) in subsection (5)(a) for the words “section 7 or 8 above” there shall be substituted the words “section 13(2) below”;
- (d) in subsection (6) for the words “fails to comply with food safety requirements” there shall be substituted the words “is cheese in respect of which commercial operations are prohibited by an Order under section 13 of this Act”;
- (e) in subsection (9)(c) for the words “of the failure of the food in question to comply with food safety requirements” there shall be substituted the words “that the food is cheese in respect of which commercial operations are prohibited by an Order under section 13 of this Act”.

Signed by authority of the Secretary of State for Health

21st May 1998

Tessa Jowell
Minister of State for Public Health,
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 13 of the Food Safety Act 1990, corrects drafting errors in the Food (Cheese) (Emergency Control) Order 1998. That Order imposes emergency controls on cheese originating from R. A. Duckett & Co. Ltd., Walnut Tree Farm, Wedmore, Somerset.

The errors occur in Article 4(2), which adapts section 9(2) to (9) of the Food Safety Act 1990 to make provision for the seizure and destruction of cheese originating from that source.