

SCHEDULE 5

regulation 7

REGULATIONS RELATING TO IMPORTS AND EXPORTS: CONSEQUENTIAL PROVISIONS

PART I

CONSEQUENTIAL MODIFICATIONS TO THE IMPORTED FOOD REGULATIONS 1984

1. In regulation 12(1)—
 - (a) the following definition shall be inserted in the appropriate alphabetical position—

““the Agency” means the Food Standards Agency;” and
 - (b) the definition of “the Ministers” shall be deleted.

2.—(1) In regulation 13, for the words “the Ministers”, where they occur in paragraphs (1)(c), (3) and (3)(a), there shall be substituted the words “the Agency”.

(2) In paragraph (3) of regulation 13, for the words “appear to them” there shall be substituted the words “appears to the Agency”.

PART II

CONSEQUENTIAL MODIFICATIONS TO THE PRODUCTS OF ANIMAL ORIGIN (IMPORT AND EXPORT) REGULATIONS 1996

1. In regulation 1(2), the following definition shall be inserted in the appropriate alphabetical position—

““the Agency” means the Food Standards Agency;”.

- 2.—(1) In paragraph (1)(a) of regulation 3—
 - (a) for the words “the Minister of Agriculture, Fisheries and Food in relation to England” there shall be substituted the words “the Agency in relation to England and Wales”; and
 - (b) the words at the end “and Wales” shall be deleted.

(2) In paragraph (2) of regulation 3, after the words “one of the Minister’s officers”, there shall be inserted the words “or the Agency”.

(3) In paragraph (3) of regulation 3, after the words “The Minister” there shall be substituted the words “or the Agency”.

- (4) After paragraph (4) of regulation 3 there shall be inserted the following paragraph—

“(4A) Subject to paragraph (4B) below, the Agency may direct, in relation to cases of a particular description, or a particular case, that these Regulations shall be executed and enforced by the Agency instead of the local authority, or jointly by the Agency and the local authority.

(4B) The Agency shall not issue a direction under paragraph (4A) above to a local authority, in relation to any case or description of case, where a direction has been issued to the authority in respect of the case or description of case—

- (a) by the Minister under paragraph (2) above; or
- (b) by the Minister or the Secretary of State under paragraph (5) below.”.

Status: This is the original version (as it was originally made).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

- (5) In paragraph (5) of regulation 3—
- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) in England and Wales, may also be exercised by the Secretary of State for Health;”; and
 - (b) in sub-paragraph (b), the words “and Wales” shall be deleted.
- 3.—(1) In regulation 4, after paragraph (1) there shall be inserted the following paragraph—
- “(1A) The Agency, after consulting the Secretary of State, may also exercise the powers to give directions in paragraph (1) above, either jointly with any one or more of the ministers referred to in that paragraph or alone.”.
- (2) In regulation 4(3), for the words “the Minister or the Secretary of State” there shall be substituted the words “the Agency, the Minister or the Secretary of State”.
4. In paragraphs (1), (2), (3) and (6) of regulation 6, for the words “the Minister”, wherever they occur in those paragraphs, there shall be substituted the words “The Agency or the Minister”.
5. In regulation 13—
- (a) in paragraphs (2) and (3), after the words “the Minister” there shall be inserted the words “, the Agency”; and
 - (b) in paragraph (7)—
 - (i) for the words “the Minister” there shall be substituted the words “the Agency”; and
 - (ii) the words “or Wales” shall be deleted.
6. In regulation 15(c), after the words “the Minister” there shall be inserted the words “, the Agency”.
7. In regulation 16, in paragraphs (1), (2), (3) and (6), after the words “the Minister” in each place where they occur in those paragraphs, there shall be inserted the words “, the Agency”.
8. For paragraph (5) of regulation 21 there shall be substituted the following regulation—
- “(5) Before authorising the release of any product, the official veterinary surgeon shall,
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- (a) where he has any doubt relating to the protection of public health whether a product should be released, consult the Agency; and
 - (b) where he has any doubt relating to the protection of animal health whether a product should be released, consult the Divisional Veterinary Manager,
- and shall take no further action in connection with the release of the product without first informing the Agency or the Divisional Veterinary Manager.”.
9. In regulation 25—
- (a) in paragraph (2), for the words “Subject to paragraph (3) below” there shall be substituted the words “Subject to paragraphs (2A) and (3) below”; and
 - (b) after paragraph (2) there shall be inserted the following paragraph—
 - “(2A) Where the Divisional Veterinary Manager is consulted under paragraph (2) above by an official veterinary surgeon in relation to non-compliance of any products of animal origin with public health conditions—
 - (a) the Divisional Veterinary Manager shall consult the Agency; and
 - (b) the official veterinary surgeon shall not authorise the importer of the products to transport them for storage in a free zone or free warehouse in accordance with the provisos in paragraph (2) above without first informing the Agency.”.

10.—(1) In regulations 28, 29 and 33(1), after the words “the Minister” there shall be inserted the words “, the Agency”.

(2) For paragraph (2) of regulation 33 there shall be substituted the following paragraph—

“(2) If requested in writing to do so by the Minister or the Agency, a local authority shall provide the Minister or, as the case may be, the Agency with—

(a) such information relating to the calculation of charges as the Minister or, as the case may be, the Agency, may require; and

(b) copies of any written representations made by the persons referred to in paragraph (1) above.”.

11.—(1) In regulation 34(1), for the words “appeal to the Minister against the amount of the charge” there shall be substituted the following paragraphs—

“(a) in the case of a charge for a health inspection and control exercise carried out otherwise than in relation to any function of the Agency, appeal to the Minister against the amount of the charge; and

(b) in the case of a charge for a health inspection and control exercise carried out in relation to any function of the Agency, appeal to the Agency against the amount of the charge.”

(2) In regulation 34(2), after the words “the Minister” there shall be inserted the words “or, as the case may be, the Agency”.

(3) In paragraph (4) of regulation 34—

(a) after the words “the Minister”, in the first place where they occur in that paragraph, there shall be inserted the words “or, as the case may be, the Agency”; and

(b) after the words “the Minister”, in the second place where they occur in that paragraph, there shall be inserted the words “or, as the case may be in relation to an appeal against a charge levied by the Agency, the Secretary of State”.

(4) In paragraph (5) of regulation 34, after the words “the Minister” there shall be inserted the words “or, as the case may be, the Agency”.

12. In regulation 35(1) and (2), after the words “the Minister” there shall be inserted the words “, the Agency”.

13. In regulations 37(4), 39(1) and (2), after the words “the Minister” there shall be inserted the words “, the Agency”.