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STATUTORY INSTRUMENTS

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**2003 No. 1958**

**FOOD, ENGLAND**

**The Food (Peanuts from China) (Emergency Control)  
(England) (No. 2) (Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>29th July 2003</i>
<i>Laid before Parliament</i>		<i>30th July 2003</i>
<i>Coming into force</i>	- -	<i>31st July 2003</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, makes the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Food (Peanuts from China) (Emergency Control) (England) (No. 2) (Amendment) Regulations 2003 and shall come into force on 31st July 2003.

**Amendment of the Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002**

2.—(1) The Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002<sup>(3)</sup> are amended in accordance with paragraphs (2) and (3).

(2) The definition of “the Commission Decision” in paragraph (1) of regulation 2 (interpretation) is replaced by the following definition —

““the Commission Decision” means 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<sup>(4)</sup> as amended by Commission Decision [2002/233/EC](#)<sup>(5)</sup>, Commission Decision [2002/678/EC](#)<sup>(6)</sup> and Commission Decision [2003/550/EC](#)<sup>(7)</sup>”.

(3) The following paragraph is substituted for paragraph (4) of regulation 4 (enforcement) —

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(1) S.I. [1972/1811](#).  
(2) [1972 c. 68](#).  
(3) S.I. [2002/2350](#).  
(4) OJ No. L34, 5.2.2002, p.21.  
(5) OJ No. L78, 21.3.2002, p.14.  
(6) OJ No. L229, 27.8.2002, p.33.  
(7) OJ No. L187, 26.7.2003, p.39.

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*Status: This is the original version (as it was originally made).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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“(4) The requirements are those specified in —

- (a) Article 1.4 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled Chinese peanuts);
- (b) Article 1.5 and 6 of that Decision (which is concerned with the sampling and analysis of such consignments), other than the requirement under Article 1.5 to supply the Commission with specified information; and
- (c) Article 1.7 of that Decision (which is concerned with the case where consignments are split).”.

Signed by authority of the Secretary of State for Health

29th July 2003

*Warner*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations amend the Food (Peanuts from China) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I.2002/2350) (*regulation 2*).

S.I. 2002/2350 implements 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 (OJ No. L34, 5.2.2002, p. 21) as amended by Commission Decision 2002/233/EC (OJ No. L78, 21.3.2002, p. 14) and Commission Decision 2002/678/EC (OJ No. L229, 27.8.2002, p. 33).

The effect of the amendment made by these Regulations is that S.I. 2002/2350 now implements Commission Decision 2002/79/EC as now also amended by Commission Decision 2003/550/EC (OJ No. L187, 26.7.2003, p. 39). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision 2002/79/EC.

The principal changes effected by these Regulations are that —

- (a) the definition of “the Commission Decision” in regulation 2(1) of S.I. 2002/2351 is updated to reflect the amendment made to it by Commission Decision 2003/550 /EC;
- (b) the previous requirement that consignments of controlled Chinese products be subjected to random sampling and analysis to ensure compliance with Commission Decision 2002/80, as amended, is modified by providing that —
  - (i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of Chinese peanuts and certain products derived thereof,
  - (ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and
  - (iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

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