



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 2455 (Cy.238)

2003 No. 2455 (W.238)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003

The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn gweithredu Penderfyniad y Comisiwn 2003/460/EC ar fesurau brys ynghylch tsilis poeth a chynhyrchion tsilis poeth (OJ Rhif L154, 21.6.2003, t.114) fel y'u cywirwyd drwy gywriad a gyhoeddwyd ar 25 Gorffennaf 2003 (OJ Rhif L186, 25.7.2003, t.47).

These Regulations, which apply in relation to Wales only, implement Commission Decision 2003/460/EC on emergency measures regarding hot chilli and hot chilli products (OJ No. L154, 21.6.2003, p.114) as corrected by a corrigendum published on 25 July 2003 (OJ No. L186, 25.7.2003, p.47).

Mae'r Rheoliadau -

The Regulations -

- (a) yn gwahardd mewnfario "tsilis poeth a chynhyrchion tsilis poeth a reolir" (fel y'u diffinnir yn rheoliad 2(1)), ac eithrio os yw adroddiad dadansoddiadol sy'n dangos nad yw'r cynnyrch yn cynnwys Swdan I (CAS Rhif 842-07-09) yn dod gyda hwy (rheoliad 3);
- (b) yn darparu ar gyfer eu gorfodi (rheoliad 4);
- (c) yn cymhwyso gydag addasiadau ddarpariaethau penodol yn y Ddeddf Diogelwch Bwyd at ddibenion y Rheoliadau ac yn darparu ar gyfer samplu a dadansoddi (rheoliad 5); ac
- (ch) yn darparu ar gyfer distrywio mewnfario anghyfreithlon o dsilis poeth a chynhyrchion tsilis poeth a reolir (rheoliad 6).

- (a) prohibit the importation of "controlled hot chilli and hot chilli products" (defined in regulation 2(1)), except where they are accompanied by an analytical report demonstrating that the product does not contain Sudan 1 (CAS No. 842 - 07 - 09) (regulation 3);
- (b) provide for their enforcement (regulation 4);
- (c) apply with modifications certain provisions of the Food Safety Act for the purposes of the Regulations and provide for sampling and analysis (regulation 5); and
- (d) provide for the destruction of illegal imports of controlled hot chilli and hot chilli products (regulation 6).

Rhifau cod y gyfundrefn enwi a sefydlwyd o dan Reoliad 2658/87 ar y tariff a'r gyfundrefn enwi ystadegol ac ar dariff y Dollau (OJ Rhif L256, 7.9.87, t.1) yw'r codau CN y cyfeirir atynt yn y diffiniad o "tsilis poeth a chynhyrchion tsilis poeth".

The CN codes referred to in the definition of "hot chilli and hot chilli products" are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (OJ No. L256, 7.9.87, p.1).

Nid oes arfarniad rheoliadol wedi'i baratoi ynglŷn â'r Rheoliadau hyn.

No regulatory appraisal has been prepared in relation to these Regulations.

2003 Rhif 2455 (Cy.238)**2003 No. 2455 (W.238)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003****The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003***Wedi'u gwneud* 24 Medi 2003*Made* 24th September 2003*Yn dod i rym* 25 Medi 2003*Coming into force* 25th September 2003

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, makes the following Regulations:

Teitl, cychwyn a chymhwysu**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003 a deuant i rym ar 25 Medi 2003.

1.-(1) These Regulations may be cited as the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 and shall come into force on 25th September 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply in relation to Wales only.

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn -

2.-(1) In these Regulations -

nid yw "awdurdod bwyd" ("*food authority*") yn cynnwys awdurdod iechyd porthladd;

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990(c) and, save where the context otherwise requires and subject to paragraph (2), any expression used both in these Regulations and in the Act has the meaning it bears in the Act;

ystyr "awdurdod iechyd porthladd" ("*port health authority*") mewn perthynas ag unrhyw ardal iechyd porthladd a sefydlwyd drwy orchymyn o dan adran 2(3) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(c), yw awdurdod iechyd porthladd ar gyfer yr ardal honno a sefydlwyd drwy orchymyn o dan adran 2(4) o'r Ddeddf honno;

"the Commission Decision" ("*Penderfyniad y Comisiwn*") means Commission Decision 2003/460/EC on emergency measures regarding hot chilli and hot chilli products(d);

mae i "cylchrediad rhydd" yr un ystyr â "*free circulation*" yn Erthygl 23.2, o'i darllen ynghyd ag Erthygl 24, o'r Cytuniad a sefydlodd y Gymuned Ewropeaidd;

"controlled hot chilli and hot chilli products" ("*tsilis poeth a chynhyrchion tsilis poeth a reolir*") means hot chilli and hot chilli products intended for human consumption;

(a) O.S. 1999/2788.

(a) S.I. 1999/2788

(b) 1972 p. 68.

(b) 1972 c. 68.

(c) 1984 p.22.

(c) 1990 c. 16.

(d) OJ No. L154, 21.6.2003, p.114.

ystyr "y Ddeddf (*"the Act"*) yw Deddf Diogelwch Bwyd 1990(a) ac eithrio lle mae'r cyd-destun yn mynnu fel arall ac yn ddarostyngedig i baragraff (2), mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn ac yn y Ddeddf yr ystyr sydd i'r term Saesneg cyfatebol yn y Ddeddf;

ystyr "Penderfyniad y Comisiwn" (*"the Commission Decision"*) yw Penderfyniad y Comisiwn 2003/460/EC ar fesurau brys ynghylch tsilis poeth a chynhyrchion tsilis poeth(b) fel y'i cywirwyd drwy gywiriad a gyhoeddwyd ar 25 Gorffennaf 2003(c);

ystyr "tsilis poeth a chyhyrchion tsilis poeth" (*"hot chilli and hot chilli products"*) yw ffrwythau'r genws *Capsicum*, sydd wedi'u sychu a'u gwasgu neu wedi'u malu ac sy'n dod o dan god CN 0904 20 30 neu 0904 20 90; ac

ystyr "tsilis poeth a chynhyrchion tsilis poeth a reolir" (*"controlled hot chilli and hot chilli products"*) yw tsilis a chynhyrchion tsilis poeth sydd wedi'u bwriadu ar gyfer eu bwyta gan bobl.

(2) Mae i unrhyw derm a ddefnyddir yn y diffiniad o "tsilis poeth a chynhyrchion tsilis poeth" ym mharagraff (1) yr un ystyr â'r term cyfatebol ym Mhenderfyniad y Comisiwn.

Gwahardd mewnfario

3.-(1) Yn ddarostyngedig i baragraff (2), ni chaiff neb fewnfario i Gymru unrhyw dsilis poeth a chynhyrchion tsilis poeth oni bai -

- (a) bod yr amodau a bennir yn Erthyglau 2.1 a 2.3, 3.1 a 3.4 o Benderfyniad y Comisiwn wedi'u bodloni mewn perthynas â'r cynhyrchion hynny; a
- (b) bod y costau sy'n deillio o'u dadansoddi a'u storio wedi'u pennu yn Erthygl 6 o'r Penderfyniad wedi'u talu.

(2) Rhaid peidio â deall unrhyw beth ym mharagraff (1) fel petai'n gwahardd mewnfario i Gymru o Aelod-wladwriaeth unrhyw dsilis poeth a chynhyrchion tsilis poeth a reolir ac sydd mewn cylchrediad rhydd yn yr Aelod-wladwriaeth honno.

(3) Euog o dramgwydd yw unrhyw berson sy'n mynd yn groes i baragraff (1), gan wybod hynny, ac mae'n agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol neu i garchar am dymor nad yw'n hwy na thri mis.

(4) At ddibenion penderfynu a yw person yn euog neu beidio o dramgwydd sy'n cynnwys mynd yn groes

(a) 1990 p. 16.

(b) OJ Rhif L154, 21.6.2003, t.114.

(c) OJ Rhif L186, 25.7.2003, t.47.

"food authority" (*"awdurdod bwyd"*) does not include any port health authority;

"free circulation" (*"cylchrefiad rhydd"*) has the same meaning as in Article 23.2, as read with Article 24, of the Treaty establishing the European Community;

"hot chilli and hot chilli products" (*"tsilis poeth a chynhyrchion tsilis poeth"*) means fruits of the genus *Capsicum*, dried and crushed or ground falling within CN code 0904 20 30 or 0904 20 90; and

"port health authority" (*"awdurdod iechyd porthladd"*) means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(a), a port health authority for that district constituted by order under section 2(4) of that Act.

(2) Any term used in the definition of "hot chilli and hot chilli products" in paragraph (1) has the same meaning as in the Commission Decision.

Prohibition on import

3.-(1) Subject to paragraph (2), no person shall import into Wales any controlled hot chilli and hot chilli products unless -

- (a) the conditions specified in Articles 2.1 and 3, 3.1 and 4 of the Commission Decision are satisfied in relation to those products; and
- (b) the costs resulting from their analysis and storage specified in Article 6 of the Decision have been met.

(2) Nothing in paragraph (1) shall be taken to prohibit the import into Wales from a member State of any controlled hot chilli and hot chilli products which are in free circulation in that State.

(3) Any person who knowingly contravenes paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(4) For the purpose of determining whether or not any person is guilty of an offence consisting of a

(a) 1984 c.22.

i baragraff (3), rhaid rhagdybio, oni phrofir i'r gwrthwyneb, mai tsilis poeth a chynhyrchion tsilis poeth a reolir yw unrhyw dsilis poeth a chynhyrchion tsilis poeth.

Gorfodi

4.-(1) Yn ddarostyngedig i baragraff (2), dyletswydd pob awdurdod iechyd porthladd fydd gweithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal.

(2) Mewn perthynas ag unrhyw le nad yw o fewn ardal awdurdod iechyd porthladd, rhaid i'r awdurdod bwyd ar gyfer yr ardal y mae'r lle hwnnw ynddi weithredu a gorfodi'r Rheoliadau hyn.

(3) At ddibenion arfer y ddyletswydd y cyfeirir ati ym mharagraff (1) neu, yn ôl fel y digwydd, (2), rhaid i swyddog awdurdodedig yr awdurdod o dan sylw-

- (a) sicrhau y glynir wrth y gofynion y cyfeirir atynt ym mharagraff (4); a
- (b) bod â'r un pwerau mynediad ag a roddir i swyddog awdurdodedig awdurdod gorfodi o dan adran 32 o'r Ddeddf at ddibenion sy'n gysylltiedig â'r Ddeddf neu Reoliadau neu Orchmynion a wnaed o dan y Ddeddf.

(4) Y gofynion yw'r gofynion a bennir yn -

- (a) Erthygl 2.1 a 2.2 o Benderfyniad y Comisiwn (sy'n ymwneud â gwirio'r dogfennau sy'n berthnasol i lwythau o dsilis poeth a chynhyrchion tsilis poeth a reolir);
- (b) Erthyglau 3 o'r Penderfyniad hwnnw (sy'n ymwneud â samplu a dadansoddi'r llwythau hynny), ac eithrio'r gofyniad i roi gwybodaeth benodedig i'r Comisiwn; ac
- (c) Erthygl 4 o'r Penderfyniad hwnnw (sy'n ymwneud ag achosion lle mae llwythi wedi'u rhannu).

(5) Rhaid i bob awdurdod iechyd porthladd ac awdurdod bwyd roi unrhyw gymorth a gwybodaeth i Gynulliad Cenedlaethol Cymru a'r Asiantaeth Safonau Bwyd y maent yn gofyn yn rhesymol amdanynt mewn cysylltiad â gweithredu a gorfodi'r Rheoliadau hyn.

Cymhwyso amryw ddarpariaethau yn Neddf Diogelwch Bwyd 1990 a samplu a dadansoddi

5.-(1) Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad bod rhaid dehongli unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran ohoni fel cyfeiriad at y Rheoliadau hyn -

- (a) adran 20 (tramgwyddau oherwydd bai person arall);
- (b) adran 33(1) (rhwystro swyddogion etc.);
- (c) adran 33(2), gyda'r addasiad y bernir bod y

breach of paragraph (3), any hot chilli and hot chilli products shall be presumed until the contrary is proved to be controlled hot chilli and hot chilli products.

Enforcement

4.-(1) Subject to paragraph (2), it shall be the duty of each port health authority to execute and enforce these Regulations within its district.

(2) In relation to any place which is not situated in the district of a port health authority, these Regulations shall be executed and enforced by the food authority for the area in which that place is situated.

(3) For the purposes of the exercise of the duty referred to in paragraph (1) or, as the case may be, (2), an authorised officer of the authority concerned shall -

- (a) ensure that the requirements referred to in paragraph (4) are adhered to; and
- (b) have the same powers of entry as are bestowed on an authorised officer of an enforcement authority by section 32 of the Act for purposes connected with the Act or Regulations or Orders made under the Act.

(4) The requirements are those specified in -

- (a) Article 2.1 and 2 of the Commission Decision (which is concerned with documentary checks relating to consignments of controlled hot chilli and hot chilli products);
- (b) Article 3 of that Decision (which is concerned with the sampling and analysis of such consignments), other than the requirement to supply the Commission with specified information; and
- (c) Article 4 of that Decision (which is concerned with the case where consignments are split).

(5) Each port health authority and food authority shall give such assistance and information to the National Assembly for Wales and the Food Standards Agency as they may reasonably request in connection with the execution and enforcement of these Regulations.

Application of various provisions of the Food Safety Act 1990 and sampling and analysis

5.-(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed as a reference to these Regulations -

- (a) section 20 (offences due to fault of another person);
- (b) section 33(1) (obstruction etc. of officers);
- (c) section 33(2), with the modification that the

cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn gyfeiriad at unrhyw ofyniad a grybwyllir yn adran 33(1)(b) fel y'i cymhwysir gan is-baragraff (b);

- (ch) adran 35(1) (cosbi tramgwyddau), i'r graddau y mae'n berthnasol i dramgwyddau o dan adran 33(1) fel y'i cymhwysir gan is-baragraff (b);
- (d) adran 35(2) a (3), i'r graddau y mae'n berthnasol i dramgwyddau o dan adran 33(2) fel y'i cymhwysir gan is-baragraff (c);
- (dd) adran 36 (tramgwyddau gan gyrrff corfforaethol); ac
- (e) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll).

(2) Mae adran 29 o'r Ddeddf (caffael samplau) yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiadau canlynol -

- (a) bod y geiriau "a food authority or as the case may be a port health authority" yn cael eu rhoi yn lle'r geiriau "an enforcement authority";
- (b) bod y ddarpariaeth ganlynol yn cael ei rhoi yn lle is-adran (b)(ii) -

"(ii) is found by him at any premises which he is authorised to enter by virtue of regulation 4(3)(b) of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003;"

- (c) hepgorir is-adran (c); ac
- (ch) yn lle'r geiriau "any of the provisions of this Act or of regulations or orders made under it" yn is-adran (d) rhoddir y geiriau "the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003".

(3) Bydd adran 30 (dadansoddi samplau etc.) yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad canlynol, sef mai yn is-adran (1) yn lle'r geiriau "An authorised officer of an enforcement authority who has procured a sample under section 29 above shall" rhoddir y geiriau "An authorised officer of a food authority or a port health authority who has procured a sample under section 29 above as applied for the purposes of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 by regulation 5(2) thereof shall".

(4) Pan fydd sampl a sicrhawyd o dan adran 29 o'r Ddeddf fel y'i cymhwysir at ddibenion y Rheoliadau hyn gan baragraff (2) wedi'i ddadansoddi yn unol â'r darpariaethau yn adran 30 o'r Ddeddf fel y'i cymhwysir gan baragraff (3), bydd hawl gan y perchennog, os bydd yn gofyn am un, i gael copi o'r dystysgrif ddadansoddi gan yr awdurdod y mae'n ddyletswydd arno, yn rhinwedd rheoliad 4(1) neu (2), i orfodi'r darpariaethau hynny.

reference to "any such requirement as is mentioned in subsection (1)(b) above" shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (b);

- (d) section 35(1) (punishment of offences), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (b);
- (e) section 35(2) and (3), in so far as it relates to offences under section 33(2) as applied by sub-paragraph (c);
- (f) section 36 (offences by bodies corporate); and
- (g) section 44 (protection of officers acting in good faith).

(2) Section 29 of the Act (procurement of samples) shall apply for the purposes of these Regulations with the modifications that -

- (a) for the words "an enforcement authority" there shall be substituted the words "a food authority or as the case may be a port health authority";
- (b) for subsection (b)(ii) there shall be substituted the following provision -

"(ii) is found by him at any premises which he is authorised to enter by virtue of regulation 4(3)(b) of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003;"

- (c) subsection (c) shall be omitted; and
- (d) for the words "any of the provisions of this Act or of regulations or orders made under it" in subsection (d) there shall be substituted the words "the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003".

(3) Section 30 (analysis etc. of samples) shall apply for the purposes of these Regulations with the modification that in subsection (1) for the words "An authorised officer of an enforcement authority who has procured a sample under section 29 above shall" there shall be substituted the words "An authorised officer of a food authority or a port health authority who has procured a sample under section 29 above as applied for the purposes of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 by regulation 5(2) thereof shall".

(4) Where a sample procured under section 29 of the Act as applied for the purposes of these Regulations by paragraph (2) has been analysed in accordance with the provisions of section 30 of the Act as so applied by paragraph (3), the owner shall be entitled on request to be supplied with a copy of the certificate of analysis by the authority which, by virtue of regulation 4(1) or (2), has the duty of enforcing them.

Distrywio mewnforyn anghyfreithlon

6.-(1) Wedi arolygu neu archwilio unrhyw dsilis poeth a chynhyrchion tsilis poeth, os yw'n ymddangos i swyddog awdurdodedig awdurdod iechyd porthladd neu, yn ôl fel y digwydd, awdurdod bwyd, eu bod wedi'u mewnforyn yn groes i reoliad 3(1), ar ôl iddo ymgynghori'n briodol â pherson y mae'n ymddangos iddo mai ef yw'r mewnforywr, caiff gyflwyno hysbysiad i'r person hwnnw sy'n gorchymyn distrywio'r tsilis poeth a'r cynhyrchion tsilis poeth o fewn y cyfnod rhesymol a bennir.

(2) Mewn unrhyw achos pan ganiateir dwyn apêl o'r math a grybwyllir ym mharagraff (3), rhaid i'r hysbysiad a gyflwynir o dan baragraff (1) ddatgan -

- (a) bod hawl apelio i lys ynadon; a
- (b) y cyfnod erbyn pryd y caniateir dwyn yr apêl.

(3) Caiff unrhyw berson sy'n tybio iddo gael cam oherwydd penderfyniad swyddog awdurdodedig i gyflwyno hysbysiad o dan baragraff (1) apelio i lys ynadon a fydd yn penderfynu a gyflwynwyd yr hysbysiad yn gyfreithlon ai peidio.

(4) Chwe diwrnod o'r dyddiad pryd y cyflwynwyd yr hysbysiad ac eithrio dydd Sadwrn, dydd Sul a Gwyliau Cyhoeddus yw'r cyfnod erbyn pryd y caniateir dwyn yr apêl a grybwyllwyd ym mharagraff (3) ac at ddibenion y paragraff hwn bennir bod gwneud y gwyn yn gyfystyr â dwyn yr apêl.

(5) Pan wneir apêl i lys ynadon o dan baragraff (3) y weithdrefn fydd ei gwneud drwy gyfrwng cwyn ar gyfer gorchymyn a Deddf Llysoedd Ynadon 1980(a) fydd yn gymwys i'r achos.

(6) Os yw'r llys yn caniatáu apêl o dan baragraff (3), rhaid i'r awdurdod o dan sylw dalu iawndal i berchennog y tsilis poeth a'r cynhyrchion tsilis poeth o dan sylw am unrhyw ddibrisiant yn eu gwerth sy'n dod yn sgil y camau a gymerwyd gan y swyddog awdurdodedig.

(7) Penderfynir unrhyw gwestiwn y mae dadl yn ei gylch ynghylch hawl i iawndal neu swm iawndal sy'n daladwy o dan baragraff (6) drwy gymrododdu.

(8) Bydd unrhyw berson sy'n torri telerau hysbysiad a gyflwynir o dan baragraff (1) yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol neu i garchar am dymor nad yw'n hwy na thri mis.

Destruction of illegal imports

6.-(1) If on an inspection or examination of any hot chilli and hot chilli products it appears to an authorised officer of a port health authority or as the case may be food authority that they have been imported in contravention of regulation 3(1) he may after appropriate consultation with a person appearing to him to be the importer serve on that person a notice ordering the destruction of the hot chilli and hot chilli products within such reasonable period as shall be so specified.

(2) In any case where such an appeal as is mentioned in paragraph (3) may be brought the notice served under paragraph (1) shall state -

- (a) the right of appeal to a magistrates' court; and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by a decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court, which shall determine whether or not the notice was lawfully served.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays and the making of the complaint shall be deemed for the purpose of this paragraph to be the bringing of the appeal.

(5) The procedure on an appeal to a magistrates' court under paragraph (3) shall be by way of complaint for an order and the Magistrates' Courts Act 1980(a) shall apply to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned shall compensate the owner of the hot chilli and hot chilli products concerned for any depreciation in their value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by arbitration.

(8) Any person who breaches the terms of a notice served under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(a) 1980 p. 43.

(a) 1980 c. 43.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

24 Medi 2003

24th September 2003

Dafydd Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

OFFERYNNAU STATUDOL

2003 Rhif 2455 (Cy.238)

BWYD, CYMRU

Rheoliadau Bwyd (Tsilis Poeth a
Chynhyrchion Tsilis Poeth)
(Rheolaeth Frys) (Cymru) 2003

STATUTORY INSTRUMENTS

2003 No. 2455 (W.238)

FOOD, WALES

The Food (Hot Chilli and Hot
Chilli Products) (Emergency
Control) (Wales) Regulations 2003

© Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery
Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr
Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£2.00

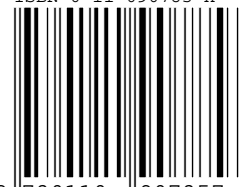
W170/03

ON

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament.

ISBN 0-11-090785-X



9 780110 907857