
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 353

**Food (Brazil Nuts) (Emergency Control)
Regulations (Northern Ireland) 2003**

Re-dispatch or destruction of illegal imports

6.—(1) If on an inspection or examination of any Brazil nuts it appears to an authorised officer that they have been imported in contravention of regulation 3(1) or (2) he may after appropriate consultation with a person appearing him to be the importer serve on that person a notice ordering –

- (a) the re-dispatch of the Brazil nuts to the country of origin within such reasonable period as shall be specified in the notice, but only if the requirements of Article 6 of the Commission Decision are complied with; or
- (b) (where those requirements are not complied with) the destruction of the Brazil nuts within such reasonable period as shall be so specified.

(2) In any case where such an appeal as is mentioned in paragraph (4) may be brought the notice served under paragraph (1) shall state –

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

(3) The person appearing to be the importer of Brazil nuts in respect of which a notice has been served under paragraph (1) shall ensure that they are stored until re-dispatch or destruction under the supervision of the authorised officer at such places and under such conditions as the authorised officer may in the notice direct.

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

(5) The period within which such an appeal as is mentioned in paragraph (4) may be brought shall be 6 days, exclusive of Saturdays, Sundays and public holidays, from the date on which notice of the decision was served on the person desiring to appeal.

(6) The procedure on an appeal to a court of summary jurisdiction under paragraph (4) shall be by way of notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981(1).

(7) If the court allows an appeal brought under paragraph (4) the district council concerned shall compensate the owner of the Brazil nuts concerned for any depreciation in their value resulting from the action taken by the authorised officer.

(8) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Department; and the provisions of the Arbitration Act 1996(2) shall apply accordingly.

(9) 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.

(1) S.I.1981/1675 (N.I. 26)
(2) 1996 c. 23

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

(10) The costs of re-dispatch, storage and distribution of Brazil nuts under this regulation shall be borne by the importer.