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STATUTORY INSTRUMENTS

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**1999 No. 1543**

**FOOD**

**The Animal Feedingstuffs from  
Belgium (Control) Regulations 1999**

<i>Made</i>	- - - -	<i>4th June 1999</i>
<i>Laid before Parliament</i>		<i>7th June 1999</i>
<i>Coming into force</i>	- -	<i>5th June 1999</i>

The Minister of Agriculture, Fisheries and Food 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, acting in exercise of the powers conferred on him by that section and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Title, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Animal Feedingstuffs from Belgium (Control) Regulations 1999, shall come into force on 5th June 1999 and shall extend to Great Britain.

(2) In these Regulations, unless the context requires otherwise, “the Act” means the Food Safety Act 1990<sup>(3)</sup>, expressions which are also used in the Act have the same meaning as they have there, expressions used in Food (Animal Products From Belgium) (Emergency Control) Order 1999<sup>(4)</sup> have the same meaning as in that Order, and “controlled entity” means any creature, product or material which is excluded from the definition of “relevant animal or animal product” in that Order solely by reason that it is neither food nor a food source.

**Prohibitions and offence**

2.—(1) Subject to paragraph (2) below—

- (a) no person shall sell any controlled entity which is not a live creature for the purpose of its being used to feed to an animal or in the manufacture of a product for such use;
- (b) no person shall possess, offer, expose, advertise, prepare, present, label, wrap, store or transport any such controlled entity for sale for that purpose;

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(1) S.I.1972/1811.  
(2) 1972 c. 68.  
(3) 1990 c. 16.  
(4) S.I. 1999/1542.

- (c) no person shall consign, deliver or serve any such controlled entity by way of sale for that purpose;
- (d) no person shall derive material from any controlled entity for that purpose; and
- (e) no person shall import or export any controlled entity for that purpose.

(2) Paragraph (1) above shall not be taken to prohibit the bringing into Great Britain from a member State of any controlled entity in free circulation in that member State.

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

### **Enforcement**

**3.—**(1) It shall be the duty of each food authority and port health authority to enforce and execute these Regulations within its area or district, as appropriate.

(2) An authorised officer of a food authority shall have the same powers of entry for the purposes of the exercise of that duty 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 under the Act.

### **Application and modification of various provisions of the Act**

**4.—**(1) Section 9 of the Act (inspection and seizure of suspected food) shall apply for the purposes of these Regulations, subject to the following modifications—

- (a) the references in subsections (1) and (2) to “food authority” shall be construed as including reference to a port health authority;
- (b) subsections (1) and (2) shall extend to any creature, product or material which appears to an authorised officer to come within the definition of “controlled entity”;
- (c) subsections (3) to (9) thereof shall apply—
  - (i) to any creature, product or material falling within sub-paragraph (b) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and
  - (ii) to any controlled entity as if it were food which failed to comply with food safety requirements,

save that each reference to human consumption shall be taken as a reference to animal consumption, that where a notice under subsection (3)(a)(i) is given in relation to a live creature, the notice is to relate to material which may come to be derived from the live creature, that subsection (6) thereof shall apply in relation to the destruction or disposal of a live creature so as to prevent any material which may come to be derived from it from being used for animal consumption and that a justice of the peace shall decline to condemn any creature, product or material falling within sub-paragraph (b) above under subsection (6) thereof if and only if it is proved to him that it does not comprise a controlled entity.

(2) The following provisions of the Act shall apply, subject to paragraph (3) below, for the purposes of these Regulations and any reference in those provisions to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 33 (obstruction etc. of officers);
- (b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and

(c) section 44 (protection of officers acting in good faith).

(3) In section 44 of the Act the references to “food authority” shall be construed as including reference to a port health authority.

4th June 1999

*Nick Brown*  
Minister of Agriculture, Fisheries and Food

**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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## EXPLANATORY NOTE

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

These Regulations provide for the implementation in Great Britain, in relation to animal consumption, of the Commission Decision of 3rd June 1999 on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption.

The Regulations—

- (a) define “controlled entity” and prohibit the carrying out of specified operations with respect thereto (regulations 1 and 2);
- (b) specify the enforcement authorities (regulation 3); and
- (c) apply, with modifications, provisions of the Food Safety Act 1990 (regulation 4).

Contravention of the regulation 2 prohibitions is an offence punishable on summary conviction by a maximum fine of level 5 on the standard scale or imprisonment for a maximum of three months (regulation 2(3)).

No Regulatory Impact Assessment has been prepared in relation to these Regulations.