
WELSH STATUTORY INSTRUMENTS

2005 No. 1540

The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005

Destruction of illegal imports

6.—(1) If on an inspection or examination of any chilli, chilli products, curcuma or palm oil 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) the officer may after appropriate consultation with a person appearing to the officer to be the importer serve on that person a notice requiring the destruction of the chilli, chilli products, curcuma or palm oil within such reasonable period (not being less than 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays) as is so specified.

(2) The notice served under paragraph (1) must 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 will determine whether the notice should be upheld or set aside.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought is 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays, and the making of the complaint will 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) is by way of complaint for an order and the Magistrates' Courts Act 1980(1) will apply to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned must compensate the owner of the chilli, chilli products, curcuma or palm oil 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) is determinable by arbitration.

(8) Any person who breaches the terms of a notice served under paragraph (1) will 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 or to both.

Commencement Information

II Reg. 6 in force at 10.6.2005, see [reg. 1\(1\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2009/3376 reg. 52\(a\)](#)