

IMPORTED FOOD REGULATIONS - DELEGATION OF POWERS

1. BACKGROUND

- 1.1 Powers contained in Regulation 16 of the Products of Animal Origin (Third Country Imports)(England)(No3) Regulations 2004 were granted to specified Environmental Health Officer posts by the General Purposes and Licensing Committee on 12 November 2004. Since this date the Regulations have been amended and the delegation is recommended for confirmation under the new title of The Products of Animal Origin (Third Country Imports)(England)(No4) Regulations 2004. In addition, this report requests the delegation of further powers for the control of illegal imports.

2. REQUEST FOR DELEGATION OF POWERS

- 2.1 The Products of Animal Origin (Third Country Imports)(England)(No4) Regulations 2004 provide Local Authorities with the power to control products found to be illegally imported into England. These powers will provide:
- The power of entry into premises and the inspection of food
 - The ability to examine documents
 - The ability to detain smuggled products of animal origin when discovered in a Customs approved area e.g. Enhanced Remote Transit Shed (ERTS)
 - The ability to seize and destroy or re-dispatch illegally introduced commercial consignments of products of animal origin
 - The ability to take charge and destroy consignments posing a risk to human or animal health.
- 2.2 The Imported Food Regulations 1997 provide Local Authorities with powers to control the risk presented by imported products of plant origin which are suspected of being or found not to be compliant with UK law. These powers will enable the detention of food not of animal origin awaiting the result of a sample. In addition, food not of animal origin which fails to meet food safety requirements or is unsound or unwholesome can be dealt with by directing the person in charge to re-export it or use it in an agreed alternative manner.
- 2.3 The following powers are recommended to be delegated to the respective posts.

Source	Power Delegated	Delegated To
Products of Animal Origin (Third Country Imports)(England)(No 4) Regulations 2004	Regulations 7 and 8– to exercise the powers conferred by Sections 8 to enter premises; to inspect any bundle, package, packing case or item of personal luggage, any product, plant or equipment; and to take samples	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
	Regulations 7 and 8 – to serve notice requiring a consignment to be stored and to serve notice that a consignment shall be removed under such supervision, at such place and under such conditions as shall be specified.	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
	Regulations 7 and 9 – to exercise the powers relating to documents and any computer and associated apparatus.	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
	Regulation 16 - to detain a consignment or product that has been imported in breach of Regulation 16 until a customs officer takes charge of it.	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
	Regulation 24 – To serve notice to take charge of a consignment or product which has been introduced to the County in breach of this Regulation and to redispach or dispose of it. Regulation 25 – To serve notice and to take charge of a consignment or product that presents a risk to animal or public health and to dispose of if in accordance with Regulation 24 (2) (b)	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers. Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
Imported Food Regulations 1997	Regulation 6 – to examine food and to serve Notice that the food may not be removed from the premises.	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.
	Regulation 7 – to serve notice for the re-export, alternative use or destruction of certain food	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications as a result of this report.

4. ENVIRONMENTAL IMPLICATIONS

4.1 There are no environmental implications as a result of this report.

5. CRIME & DISORDER IMPLICATIONS

5.1 There are no crime & disorder implications as a result of this report

6. RECOMMENDATION

6.1 That the officers be delegated the powers set out in Section 2 of this report; and

6.2 That the existing delegation under The Products of Animal Origin (Third Country Imports) (England) (No 3) Regulations 2004 be deleted.

For Further Information Please Contact:

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Background Papers:

Food Standards Agency Imported Food Control
Local Authority Resource Pack