
 STATUTORY INSTRUMENTS

2004 No. []

FOOD

The Food Safety Act 1990 (Amendment) Regulations 2004

<i>Made</i> - - -	2004
<i>Laid before Parliament</i>	2004
<i>Coming into force</i> - -	2004

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by the said section 2(2), after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, makes the following Regulations:

Title, extent and commencement

1.—(1) These Regulations may be cited as the Food Safety Act 1990 (Amendment) Regulations 2004; they extend to Great Britain and come into force on 2004.

(2) Regulation 6 also extends to Northern Ireland.

Amendment of the Food Safety Act 1990

2. The Food Safety Act 1990(d) shall be amended in accordance with regulations 3 to 5.

3. In section 1 (meaning of “food” and other basic expressions) for subsections (1) and (2) there shall be substituted the following subsections —

“(1) In this Act “food” has the same meaning as it has in Regulation (EC) No. 178/2002.

(2) In this Act “Regulation (EC) No. 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.”.

4. In section 48 (regulations and orders) —

(a) S.I. 2003/2901. As regards functions transferred to the Scottish Ministers by the Scotland Act 1998 (1998 c. 46), these Regulations extend to Scotland pursuant to section 57(1) of that Act.

(b) 1972 c. 68.

(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(d) 1990 c.16; section 1(2) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28) and was modified by S.I. 1994/3144; section 48 was amended by paragraphs 8 and 21 of Schedule 5 to the 1999 Act; section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40) and Schedule 6 to the 1999 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Safety Act 1990 (“the Act”). The amendments are occasioned by Regulation (EC) No. 178/2002 of the Council and European Parliament (OJ No. L31, 1.2.2002, p.1) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

2. The Regulations replace the existing definition of “food” in the Act with the definition which applies for the purposes of (EC) Regulation 178/2002 (regulation 3). That definition is to be found in Article 2 of that Regulation.

3. Pursuant to Article 4(2) and (3) of (EC) Regulation 178/2002 the Regulations also disapply provisions in section 48 of the Act regarding public consultation in circumstances where similar provisions in Article 9 of (EC) Regulation 178/2002 require public consultation (regulation 4).

4. The Regulations also make consequential amendments to the general interpretation provisions in section 53 of the Act (regulation 5) and a consequential amendment to a redundant provision in the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 (regulation 6).

5. A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.