

Correcting references in the Food Safety Act 1990 and Food Standards Act 1999

Status: Open

Date launched: 6 January 2025

Closing date: 31 March 2025

This consultation will be of most interest to

Stakeholders with an interest in food and feed safety and hygiene law.

Purpose of the consultation

This consultation concerns the correction of references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. Under the proposals inoperable references to EU provisions will be amended to correctly reference “assimilated law”.

How to respond

Responses to this consultation should be sent to: regulatory.review@food.gov.uk

Introduction

Following the UK’s departure from the European Union, the EU Withdrawal Act 2018 created a body of law known as Retained EU Law (REUL); in simple terms REUL is a snapshot of EU law as it applied in the UK on 31 December 2020. REUL replaced EU law. The Retained EU Law (Revocation and Reform) Act 2023 (the REUL Act) has since provided UK ministers and devolved authorities with broad powers to revoke, replace and reform REUL. The REUL Act also set out that any REUL remaining on statute books would, from 1 January 2024 become “assimilated law”. This is the correct term to use for law that was retained from the period of the UK’s membership of the EU.

The Food Safety Act 1990 provides the framework for food legislation in Great Britain. Its primary purpose is to protect consumers from consuming food that could be harmful to their health.

The Food Standards Act 1999 established the Food Standards Agency (FSA) and its functions, including its main objective of protecting public health and other consumer interests in relation to food. It applies in England, Wales and Northern Ireland and gives the FSA the power to act in the consumer’s interest at any stage in the food production and supply chain.

A review of the Food Safety Act 1990 and Food Standards Act 1999 has identified several references to EU provisions that are inaccurate in the context of EU Exit and the subsequent assimilation of REUL through the REUL Act. This proposal sets out how we intend to address this issue in relation to both the Food Safety Act 1990 and the Food Standards Act 1999.

Proposal

The FSA proposes to bring forward a Statutory Instrument under Sections 12(1) and 20(1) of the REUL Act to restate assimilated law. The draft affirmative SI will amend all references to the EU in Section 17 of the Food Safety Act 1990 and Section 19(3) of the Food Standards Act 1999 to accurately refer to assimilated law.

The proposed amendments to the Food Safety Act will apply in Scotland, England and Wales. Equivalent primary legislation in Northern Ireland is the Food Safety (Northern Ireland) Order 1991. No amendment to that Order is proposed at this time.

The proposed amendments to the Food Standards Act will apply in England and Wales only. No amendments are necessary in Northern Ireland. These proposed amendments will not be applicable in Scotland.

A draft of the proposed amending SI is attached.

PDF

[View Proposed Draft SI as PDF\(Open in a new window\)](#) (609.47 KB)

Impacts

The proposed changes are necessary technical legal amendments to ensure the continued operability of the statute book. The amendments will not introduce any new policy or procedural changes in relation to food and feed law requirements. As such the amendments will not directly impact on the operation of businesses or other stakeholders. No direct or indirect burdens have therefore been identified for businesses or wider stakeholders from the proposed legislative amendments.

As the proposed legislative changes are trivial and mechanical in nature, and do not impact the substance of the legislation, an impact assessment has not been produced.

Engagement and Consultation Process

This consultation will run for a 12-week period. The consultation and the results will be published on the FSA webpage.

The FSA has previously engaged with organisations involved in the food and drink sector and members of the public about the UK's exit from the EU. In 2018 and 2020 the FSA launched consultations on the approach and amendments to be taken with retained EU law at the end of the transition period. The changes proposed in this consultation are consistent with the intention and approach proposed in those consultations and subsequently adopted by the FSA.

Questions asked in this consultation:

- Do you have any comments on the proposed approach to correcting legal inoperabilities in the Food Safety Act 1990 and Food Standards Act 1999 as set out in this consultation?
- Do you identify any concerns or risks regarding the proposed approach to correcting legal inoperabilities in the Food Safety Act 1990 and Food Standards Act 1999?
- Do you agree with our assessment that the proposed changes are trivial and mechanical in nature and therefore will not impact on business or other stakeholders?
- Are you aware of any impacts of the proposed amendments that have not been identified in this consultation?

In order to help us understand and fully take account of responses, please explain your answers, and where possible provide supporting evidence.

Responses

Responses are required by close Monday 31 March 2025. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Please send response to regulatory.review@food.gov.uk

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Publication of response summary

Within three months of a consultation ending we aim to publish a summary of responses received and provide a link to it from this page.

You can find information on how we handle data provided in response to consultations in our [Consultations privacy notice](#).

Further information

This consultation has been prepared in accordance with [HM Government Consultation Principles](#). If an Impact Assessment has been produced, this is included in the consultation documents. If no Impact Assessment has been provided, the reason will be given in the consultation document.