Draft Regulations laid before Parliament under paragraph 5(1) and (5) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENT

2024 No.

RETAINED EU LAW REFORM

FOOD

The Food Safety Act 1990 and the Food Standards Act 1999 (Amendment) Regulations 2024

> *** Made Coming into force

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 12(1) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(a).

The Secretary of State is a relevant national authority for the purposes of section 12(1) of the 2023 $Act(\mathbf{b}).$

As required by Article 9 of 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(c), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

In accordance with paragraph 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Food Safety Act 1990 and the Food Standards Act 1999 (Amendment) Regulations 2024.
 - (2) These Regulations come into force on x.
 - (3) This Regulation and Regulation 2 extend to England and Wales and Scotland.
 - (4) Regulation 3 extends to England and Wales.

⁽a) 2023 c. 28.

⁽b) The term "relevant national authority" is defined in section 21(1) of the 2023 Act.
(c) EUR 2002/178, amended by S.I. 2019/641 and 2022/377.

Amendment of the Food Safety Act 1990

- 2.—(1) Section 17 of the Food Safety Act 1990(a) is amended as follows.
- (2) In the heading, for "EU" substitute "assimilated".
- (3) In subsection (1), for "EU" substitute "assimilated".
- (4) In subsection (2)-
 - (a) in the words before paragraph (a), for "directly applicable EU provision" substitute "provision of assimilated direct legislation";
 - (b) in paragraph (a), for "EU" substitute "assimilated";
 - (c) in paragraph (b), for "EU" substitute "assimilated".

Amendment of the Food Standards Act 1999

3. In section 19(3)(b) of the Food Standards Act 1999(b), for "EU" substitute "assimilated".

Signatory text

Address Date

Name Minister Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions of the Food Safety Act 1990 (c. 16) and the Food Standards Act 1999 (c. 28). These regulations restate secondary assimilated law within the meaning of section 12(2)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) and make consequential provision further to these restatements.

Regulation 2 amends section 17 of the Food Safety Act 1990 to replace references to "EU" obligations with references to "assimilated" obligations and make one amendment that is consequential to those changes.

Regulation 3 amends section 19 of the Food Standards Act 1999 to replace a reference to "EU" obligation with a reference to "assimilated" obligation.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

⁽a) 1990 c. 16, amended by S.I. 2011/1043. There have been other amendments, but none is relevant.
(b) 1999 c. 28, amended by S.I. 2011/1043. There have been other amendments, but none is relevant.