
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The General Food Law (Amendment
etc.) (EU Exit) Regulations 2019**

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the General Food Law (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

Interpretation

2. In these Regulations—

“Regulation 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;

“Regulation 16/2011” means Commission Regulation (EU) No. 16/2011 laying down implementing measures for the Rapid alert system for food and feed;

“Regulation 931/2011” means Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin.

PART 2

Amendment of subordinate legislation

Amendment of the Food Safety and Hygiene (England) Regulations 2013

3. The Food Safety and Hygiene (England) Regulations 2013⁽¹⁾ are amended as follows.

4. For Schedule 2, substitute the Schedule set out in the Schedule to these Regulations.

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation 178/2002

5. Regulation 178/2002 is amended as follows.

⁽¹⁾ S.I. 2013/2996, amended by S.I. 2014/1855, S.I. 2014/2748, S.I. 2014/2885 and S.I. 2016/868.

6. In Article 1—
 - (a) in paragraph 1, omit “internal”;
 - (b) in paragraph 2, omit “at Community and national level. It establishes the European Food Safety Authority.”.
7. In Article 3—
 - (a) in paragraph 1, omit “whether at Community or national level”;
 - (b) at the end insert—
 - “19. “appropriate authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Northern Ireland devolved authority;
 20. “third country” means a country or state other than the United Kingdom.”.
8. In Article 4, omit paragraphs 3 and 4.
9. In Article 5—
 - (a) omit paragraph 2;
 - (b) in paragraph 3, for “Community”, substitute “United Kingdom”.
10. In Article 6(3), omit “in particular, the opinions of the Authority referred to in Article 22,”.
11. In Article 7, in both places in which it occurs, for “Community”, substitute “United Kingdom”.
12. In Article 10, at the beginning, omit “Without prejudice to the applicable provisions of Community and national law on access to documents,”.
13. In Article 11, for “Community”, in each place in which it occurs (including the heading), substitute “United Kingdom”.
14. In Article 12—
 - (a) in the heading, for “Community”, substitute “United Kingdom”;
 - (b) in paragraph 1, in both places in which it occurs, for “Community”, substitute “United Kingdom”;
 - (c) for paragraph 2, substitute—
 - “2. Where the provisions of a bilateral agreement concluded between the United Kingdom and a third country are applicable, food and feed exported from the United Kingdom to that third country must comply with those provisions.”.
15. In Article 13—
 - (a) at the beginning, for “Without prejudice to their rights and obligations, the Community and the Member States shall.”, substitute “The appropriate authorities must—”;
 - (b) in paragraph (e), for “Community”, substitute “United Kingdom”.
16. In Article 14—
 - (a) in paragraph 7, in each place in which it occurs, for “Community”, substitute “United Kingdom”;
 - (b) omit paragraph 9.

- 17.** In Article 15—
- (a) in paragraph 4, in both places in which it occurs, for “Community”, substitute “United Kingdom”;
 - (b) omit paragraph 6.
- 18.** In Article 17, omit—
- (a) paragraph 2;
 - (b) the words from and including “For that purpose” to and including “dissuasive”.
- 19.** In Article 18—
- (a) in paragraph 4, for “Community”, substitute “United Kingdom”;
 - (b) for paragraph 5, substitute—
 - “**5.** The Secretary of State may by regulations make provision for the purpose of applying the requirements of this Article in respect of specific sectors in England.”;
 - (c) at the end, insert the following additional paragraphs—
 - “**6.** The power of the Secretary of State to make regulations under this Article—
 - (a) is exercisable by statutory instrument;
 - (b) includes power—
 - (i) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - (ii) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Secretary of State considers necessary or expedient.
- 7.** Any statutory instrument containing regulations made the Secretary of State under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.
- 8.** The Welsh Ministers may by regulations make provision for the purpose of applying the requirements of this Article in respect of specific sectors in Wales.
- 9.** The power of the Welsh Ministers to make regulations under this Article—
- (a) is exercisable by statutory instrument;
 - (b) includes power—
 - (i) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - (ii) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Welsh Ministers consider necessary or expedient.
- 10.** Any statutory instrument containing regulations made the Welsh Ministers under this Article is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- 11.** The Scottish Ministers may by regulations make provision for the purpose of applying the requirements of this Article in respect of specific sectors in Scotland.
- 12.** The power of the Scottish Ministers to make regulations under this Article—

- (a) is exercisable by Scottish statutory instrument within the meaning of section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010⁽²⁾;
- (b) includes power—
 - (i) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - (ii) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Scottish Ministers consider necessary or expedient.

13. Any Scottish statutory instrument containing regulations made the Scottish Ministers under this Article is subject to annulment in pursuance of a resolution of the Scottish Parliament.

14. The Northern Ireland devolved authority may by regulations make provision for the purpose of applying the requirements of this Article in respect of specific sectors in Northern Ireland.

15. The power of the Northern Ireland devolved authority to make regulations under this Article—

- (a) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12));
- (b) includes power—
 - (i) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - (ii) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Northern Ireland devolved authority considers necessary or expedient.

16. Any statutory rule containing regulations made by the Northern Ireland devolved authority under this Article is subject to annulment in pursuance of a negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954⁽³⁾.”.

20. Omit—

- (a) Article 21;
- (b) Chapter 3;
- (c) Chapter 4.

21. In Chapter 5—

- (a) omit Article 58, 59, 60, 61, 62, 63 and 64;
- (b) in Article 65, omit—

“Articles 29, 56, 57 and 60 and Article 62(1) shall apply as from the date of appointment of the members of the Scientific Committee and of the Scientific Panels which shall be announced by means of a notice in the ‘C’ series of the Official Journal.”.

(2) 2010 asp 10.
(3) 1954 c. 33.

22. After Article 65, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Regulation 931/2011

23. Regulation 931/2011 is amended as follows.

24. In Article 3(2), omit “Union”.

25. After Article 4, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

PART 4

Revocation of retained direct EU legislation

Revocation of Regulation 16/2011

26. Regulation 16/2011 is revoked.

Signed by the authority of the Secretary of State for Health and Social Care.

Address
Date

Name
Parliamentary Under-Secretary of State,
Department of Health and Social Care