

1989 No. 2287

FOOD
COMPOSITION AND LABELLING

**The Preservatives in Food (Amendment) Regulations
1989**

<i>Made</i> - - - -	<i>27th November 1989</i>
<i>Laid before Parliament</i>	<i>8th December 1989</i>
<i>Coming into force</i>	<i>1st January 1990</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4, 118 and 119 of the Food Act 1984(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following Regulations, after such consultation in accordance with section 118(6) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the said Regulations:-

Title and commencement

1. These Regulations may be cited as the Preservatives in Food (Amendment) Regulations 1989 and shall come into force on 1st January 1989.

Amendment of the Preservatives in Food Regulations 1989

2. Regulation 11(3) of the Preservatives in Food Regulations 1989(c) shall be revoked and in its place there shall be inserted the following regulation:

“(3) In any proceedings in respect of the sale or importation before 31st December 1990 of food having in it or on it ethylene oxide contrary to regulation 4, it shall be a defence for the defendant to prove that the presence of that substance in or on that food is solely due to the use for pathogen reduction of that food in accordance with the second column of entry C in the Annex to Directive 79/117/EEC of the Council, prohibiting the placing on the market and use of plant protection products containing certain active substances(d).”.

(a) 1984 c. 30; section 132(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.
(b) In the case of the Secretary of State for Health by virtue of S.I. 1988/1843.
(c) S.I. 1989/533.
(d) OJ No. L33, 8.2.1979, p. 36; the relevant amending Directives are 86/355/EEC of the Council—OJ No. L212, 2.8.86, p. 33, and 89/365/EEC of the Council—OJ No. L159, 10.6.89, p. 58.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd November 1989.



John Gummer
Minister of Agriculture, Fisheries and Food

27th November 1989

Kenneth Clarke
Secretary of State for Health

23rd November 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 1990, amend the Preservatives in Food Regulations 1989 by extending the date by one year to 31st December 1990 of the availability of the defence to proceedings in respect of the sale or importation of food having in it or on it ethylene oxide where the presence of that substance is due to its use for pathogen reduction (regulation 11(3)). This extension only applies to dried herbs and spices and dried herbs intended exclusively for marketing without further processing as medicinal products, in accordance with the provisions of Council Directive 79/117/EEC, as amended by Council Directive 86/355/EEC and Council Directive 89/365/EEC.

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