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STATUTORY INSTRUMENTS

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**1999 No. 3182**

**FOOD, ENGLAND**

**The Novel Foods and Novel Food Ingredients  
(Amendment) (England) Regulations 1999**

*Made - - - - 30th November 1999*  
*Laid before Parliament 30th November 1999*  
*Coming into force - - 21st December 1999*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England, in exercise of the powers conferred on them by sections 6(4), 16(1)(f), 17(2), 18(1) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

**Title, commencement and extent**

1. These Regulations may be cited as the Novel Foods and Novel Food Ingredients (Amendment) (England) Regulations 1999, shall come into force on 21st December 1999 and shall extend to England.

**Amendment of previous regulations**

2. The Novel Foods and Novel Food Ingredients Regulations 1997<sup>(2)</sup>, insofar as they apply to England, shall be amended by the insertion of “—(1)” immediately before the text of regulation 6 (application of various provisions of the Food Safety Act 1990) and the insertion of the following paragraph at the end of that regulation:

“(2) Section 25(3) (other than paragraph (b)) and (4) of the Act (which restricts disclosure) shall apply to information submitted to the Minister as part of a request made by reference to Article 4.1, as it applies to information relating to an individual business obtained by means of an order under section 25(1) of the Act; its application to information so submitted is subject to such modifications as are necessary for a disclosure

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40). Functions of Ministers of the Crown, insofar as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), Article 2 and Schedule 1.  
(2) S.I. 1997/1335, amended by S.I. 1999/1756.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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in contravention of section 25(3) to be a breach of duty owed to the person who submitted the information but not an offence.”.

27th November 1999

*Hayman*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health:

29th November 1999

*Yvette Cooper*  
Parliamentary Under-Secretary of State for  
Public Health,  
Department of Health

Signed by authority of the Secretary of State for Wales:

30th November 1999

*David Hanson*  
Parliamentary Under-Secretary of State, Welsh  
Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Novel Foods and Novel Food Ingredients Regulations 1997 in relation to England by applying (with modifications) provisions of section 25 of the Food Safety Act 1990 to information submitted as part of a request made by reference to Article 4.1 of Regulation (EC) No. 258/97 of the European Parliament and of the Council concerning novel foods and novel food ingredients (OJ No. L43, 14.2.97, p.1). Article 4.1 requires the person responsible for placing such foods or ingredients on the market to submit a request for assessment to the relevant EC member State, and the provisions of the 1990 Act so applied call for information covered by them to be protected from disclosure save as specified in the section.