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**2000 No. 1509**
**FOOD, ENGLAND**
**The Infant Formula and Follow-on Formula (Amendment)  
(England) Regulations 2000**

*Made* - - - - - *7th June 2000*

*Laid before Parliament* *8th June 2000*

*Coming into force* - - - *1st July 2002*

The Secretary of State in exercise of the powers conferred by sections 16(1), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a) and of all other powers enabling him in that behalf, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act, hereby makes the following Regulations:

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Infant Formula and Follow-on Formula (Amendment) (England) Regulations 2000 and shall come into force on 1st July 2002.

(2) These Regulations apply to England.

**Amendment of previous Regulations**

2. The Infant Formula and Follow-on Formula Regulations 1995(b), in so far as they apply to England, shall be amended by the insertion—

(a) in paragraph (2) of regulation 1 (title, commencement and interpretation)—

(i) (after the definition of “advertisement”, “advertise” and “advertising”) of the following definition—

““the Directive” means Commission Directive 91/321/EEC(c) on infant formulae and follow-on formulae as amended by amendments up to and including those effected by Commission Directive 1999/50/EC(d)”; and

(ii) (after the definition of “member State”) of the following definition—

““pesticide residue” has the meaning given by Article 1(2)(e) of the Directive”; and

(b) at the end of paragraph (2) of each of regulations 8 and 9 (composition of infant formulae and follow-on formulae), of the words “and it shall not—

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(a) 1990 c. 16. Functions formerly exercisable by the Ministers are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28). Functions of “the Ministers” so far 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) and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(b) S.I. 1995/77, to which there are amendments not relevant to these Regulations.

(c) OJ No. L175, 4.7.91, p. 35.

(d) OJ No. L139, 2.6.1999, p. 29.

- (a) if it is manufactured as ready for consumption, contain, or
- (b) if it is not so manufactured, be such that it would, if reconstituted according to its manufacturer's instructions, contain, residues of any individual pesticide at a level exceeding 0.01 mg/kg".

Signed by authority of the Secretary of State for Health

7th June 2000

*Gisela Stuart*  
Parliamentary Under-Secretary of State,  
Department of Health

### EXPLANATORY NOTE

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

1. These Regulations amend the Infant Formula and Follow-on Formula Regulations 1995 in relation to England, in implementation of Commission Directive 1999/50/EC amending Directive 91/321/EEC on infant formulae and follow-on formulae.

2. The Regulations extend the prohibitions in the 1995 Regulations on sale, or export to third countries, to food of that nature containing individual pesticide residues above a level of 0.01 mg/kg, measured when ready for use or when reconstituted according to the manufacturer's instructions (regulation 2(b)), and make consequential amendments (regulation 2(a)).

3. A regulatory impact assessment, which includes a compliance cost assessment of the effect that these Regulations have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from Branch A of the Food Labelling, Standards and Consumer Protection Division of the Food Standards Agency, PO Box 31037, Ergon House, c/o 17 Smith Square, London, SW1P 3WG.

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