

*This Statutory Instrument, which has been made first in consequence of the correction of a defect in Commission Regulation (EC) No. 563/2002 which was reflected in S.I. 2002/890 and second to correct an error in the definition of “port health authority” in S.I. 2002/890, is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 2002 No. 1923

## FOOD, ENGLAND

### The Contaminants in Food (England) (Amendment) Regulations 2002

*Made* - - - - 22nd July 2002

*Laid before Parliament* 22nd July 2002

*Coming into force* - - 24th July 2002

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(a) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and now vested in him<sup>(2)</sup>, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation 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<sup>(3)</sup>, and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

#### **Title and commencement**

1. These Regulations may be cited as the Contaminants in Food (England) (Amendment) Regulations 2002 and shall come into force on 24th July 2002.

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(1) 1990 c. 16.

(2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) 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 (1999 c. 28). Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act. Section 17(2) was amended by paragraph 12(b), and section 48 by paragraph 21, of Schedule 5 to the 1999 Act.

(3) OJ No. L31, 1.2.2002, p.1.

## **Amendment of the Contaminants in Food (England) Regulations 2002**

2. In paragraph (1) of regulation 2 of the Contaminants in Food (England) Regulations 2002(4) (interpretation)—

(a) for the definition of “the Commission Regulation” there shall be substituted the following definition—

““the Commission Regulation” means Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs(5) as amended by Commission Regulation (EC) No. 221/2002(6), Commission Regulation (EC) No. 257/2002(7), Commission Regulation (EC) No. 472/2002(8) as corrected by a corrigendum published on 23rd March 2002(9) and Commission Regulation (EC) No. 563/2002(10) as corrected by a corrigendum published on 14th June 2002(11);”;

and

(b) for the definition of “port health authority” there shall be substituted the following definition—

““port health authority” means—

- (a) in relation to the London port health district (within the meaning given to that phrase for the purposes of the Public Health (Control of Disease) Act 1984(12) by section 7(1) of that Act), the Common Council of the City of London; and
- (b) in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act.”.

Signed by authority of the Secretary of State for Health

22nd July 2002

*Hazel Blears*  
Parliamentary Under Secretary of State,  
Department of Health

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(4) S.I. 2002/890.

(5) OJ No. L77, 16.3.2001, p.1.

(6) OJ No. L37, 7.2.2002, p.4.

(7) OJ No. L41, 13.2.2002, p.12.

(8) OJ No. L75, 16.3.2002, p.18.

(9) OJ No. L80, 23.3.2002, p.42.

(10) OJ No. L86, 3.4.2002, p.5.

(11) OJ No. L155, 14.6.2002, p.63.

(12) 1984 c. 22.

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## EXPLANATORY NOTE

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

The Contaminants in Food (England) Regulations 2002 (S.I. 2002/890) make provision for the execution and enforcement in England of Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs (OJ No. L77, 16.3.2001, p.1, as amended). There is therefore a definition of that Commission Regulation in regulation 2(1) of S.I. 2002/890, which was intended to take account of the amendments to it. That defines “the Commission Regulation” as Commission Regulation (EC) No. 466/2001 as amended by several further Commission Regulations.

The amendments to Commission Regulation (EC) No. 466/2001 include those effected by Commission Regulation (EC) No. 563/2002 (OJ No. L86, 3.4.2002, p.5).

An error in Commission Regulation (EC) No. 563/2002 necessitated the issue of a corrigendum to it, which was published on 14th June 2002 (OJ No. L155, 14.6.2002, p.63). These Regulations give effect to that corrigendum by amending the definition of “the Commission Regulation” in regulation 2(1) of the Contaminants in Food (England) Regulations 2002.

These Regulations also correct an error in the definition of “port health authority” in that regulation.

No regulatory impact assessment has been prepared in relation to these Regulations.