
STATUTORY INSTRUMENTS

2003 No. 3295

FOOD, ENGLAND

**The Miscellaneous Food Additives (Amendment)
(England) (No. 2) Regulations 2003**

Made - - - - *15th December 2003*
Laid before Parliament *23rd December 2003*
Coming into force - - *16th January 2004*

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and now vested in him⁽²⁾ and 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⁽³⁾ and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (England) (No. 2) Regulations 2003, shall apply in relation to England only and shall come into force on 16th January 2004.

(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), and paragraphs 12(a) and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. 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), as read with section 40(3) of the 1999 Act, 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 (1998 c. 46), as read with section 40(2) of the 1999 Act. Regulation 13(4) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656) expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

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

Amendment of the Miscellaneous Food Additives Regulations 1995

2. In Schedule 3 to the Miscellaneous Food Additives Regulations 1995(4), in the entry for E425 for the words in the third column of that entry, there shall be substituted the words “Foods in general (except those referred to in Schedules 6, 7 and 8, and jelly confectionery, including jelly mini-cups)”.

Consequential amendments

3.—(1) Paragraph (2) of regulation 3 (consequential amendments) of the Miscellaneous Food Additives (Amendment) (England) Regulations 2003(5) shall be omitted.

(2) In the Regulations listed below, in so far as they apply in relation to England, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(6), the Miscellaneous Food Additives (Amendment) Regulations 1999(7), the Coffee Extracts and Chicory Extracts Regulations 2000(8), the Miscellaneous Food Additives (Amendment) (England) Regulations 2001(9), the Sweeteners in Food (Amendment) (England) Regulations 2001(10), the Colours in Food (Amendment) (England) Regulations 2001(11), the Miscellaneous Food Additives (Amendment) (England) (No. 2) Regulations 2001(12), the Sweeteners in Food (Amendment) (England) Regulations 2002(13), the Miscellaneous Food Additives (Amendment) (England) Regulations 2003(14), the Sweeteners in Food (Amendment) (England) Regulations 2003(15), the Specified Sugar Products Regulations 2003(16), the Fruit Juices and Fruit Nectars (England) Regulations 2003(17), the Condensed Milk and Dried Milk (England) Regulations 2003(18), the Cocoa and Chocolate Products (England) Regulations 2003(19), the Honey (England) Regulations 2003(20), the Jam and Similar Products (England) Regulations 2003(21) and these Regulations.

- the Mineral Hydrocarbons in Food Regulations 1966(22);
- the Food Additives Labelling Regulations 1992(23);
- the Food Labelling Regulations 1996(24);
- the Meat Products (England) Regulations 2003(25).

(4) S.I. 1995/3187, amended by S.I. 1997/1413, S.I. 1999/1136, S.I. 2000/3323, S.I. 2001/60, S.I. 2001/2294, S.I. 2001/3442, S.I. 2001/3775, S.I. 2002/379, S.I. 2003/1008, S.I. 2003/1563, S.I. 2003/1564, S.I. 2003/1596 and S.I. 2003/1659.

(5) S.I. 2003/1008.

(6) S.I. 1997/1413.

(7) S.I. 1999/1136.

(8) S.I. 2000/3323.

(9) S.I. 2001/60.

(10) S.I. 2001/2294.

(11) S.I. 2001/3442.

(12) S.I. 2001/3775.

(13) S.I. 2002/379.

(14) S.I. 2003/1008.

(15) S.I. 2003/1182.

(16) S.I. 2003/1563.

(17) S.I. 2003/1564.

(18) S.I. 2003/1596.

(19) S.I. 2003/1659.

(20) S.I. 2003/2243.

(21) S.I. 2003/3120.

(22) S.I. 1966/1073; the relevant amending instrument is S.I. 1995/3187.

(23) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3187.

(24) S.I. 1996/1499; to which there are amendments not relevant to these Regulations.

(25) S.I. 2003/2075.

Signed by authority of the Secretary of State for Health

15th December 2003

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to England only, amend the Miscellaneous Food Additives Regulations 1995, as already amended (“the principal Regulations”) which apply to the whole of Great Britain.
2. These Regulations implement European Parliament and Council Directive [2003/52/EC\(26\)](#) amending Directive [95/2/EC\(27\)](#) as regards the conditions of use for a food additive E425 Konjac.
3. These Regulations provide for E425 Konjac to be used in Foodstuffs in general (except in certain foods as are specified in the principal Regulations) but not in jelly confectionery. Jelly confectionery includes jelly mini-cups.
4. A regulatory impact assessment has not been prepared in respect of these Regulations as the instrument will have no effect on the costs of business. A transposition note setting out how the main elements of Directive 2003/52 are transposed into domestic law has been prepared and placed in the library of each House of Parliament. Copies may be obtained from the Food Additives Branch, Chemical Safety and Toxicology Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

(26) OJ No. L10, 17.7.2003, p.23.

(27) OJ No. L61, 18.3.1995, p.1.