
STATUTORY INSTRUMENTS

2005 No. 2359

FOOD, ENGLAND

**The Food Safety (General Food Hygiene)
(Amendment) (England) Regulations 2005**

Made - - - - *24th August 2005*
Laid before Parliament *26th August 2005*
Coming into force - - *24th September 2005*

The Secretary of State, in exercise of the powers conferred by sections 19(1)(b) and 26(2)(d) of the Food Safety Act 1990(1) and now vested in her(2), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, 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), makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Food Safety (General Food Hygiene) (Amendment) (England) Regulations 2005, shall apply in relation to England only and shall come into force on 24th September 2005.

Amendment to the Food Safety (General Food Hygiene) Regulations 1995

2.—(1) The Food Safety (General Food Hygiene) Regulations 1995(4) shall be amended in accordance with paragraph (2) in so far as they apply in relation to England.

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- (1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.
- (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 paragraph 21 of that Schedule inserted subsection (4A) into section 48 of the 1990 Act. Section 48 was also amended by S.I. 2004/2990. 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.
- (3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).
- (4) S.I. 1995/1763, amended by S.I. 2000/930; there are other amending instruments but none is relevant.

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(2) Paragraphs 6 and 7 of Schedule 1A (licensing of butchers' shops) shall be omitted.

Existing licences

3. Any licence issued under Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 before the date of coming into force of these Regulations that is in force on that date shall remain in force regardless of the day on which it was issued.

Signed by authority of the Secretary of State for Health

24th August 2005

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only, further amend the Food Safety (General Food Hygiene) Regulations 1995 (S.I. [1995/1763](#) as already amended), which extend to the whole of Great Britain.

2. These Regulations revoke paragraphs 6 and 7 of Schedule 1A to S.I. [1995/1763](#), which respectively provide that —

- (a) a licence for a butcher's shop issued under that Schedule remains in force for a year from the date of issue; and
- (b) if a licence is granted to a person who has held a licence for not less than 8 months and both licences relate to the same premises, the further licence becomes operative for a period of a year beginning on the expiry of the existing licence (*regulation 2(2)*).

3. These Regulations also provide that any licence issued under Schedule 1A to S.I. [1995/1763](#) before the date of coming into force of these Regulations that is in force on that date shall remain in force regardless of the day on which it was issued (*regulation 3*).

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