
STATUTORY INSTRUMENTS

2005 No. 2969

FOOD, ENGLAND

**The Food Labelling (Amendment) (England)
(No. 2) (Amendment) Regulations 2005**

Made - - - - *24th October 2005*
Laid before Parliament *28th October 2005*
Coming into force - - *24th November 2005*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and now vested in her⁽²⁾.

She has had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) of that Act.

There has been open and transparent public consultation during the preparation of the Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council⁽³⁾ 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.

Title and commencement

1. These Regulations may be cited as the Food Labelling (Amendment) (England) (No. 2) (Amendment) Regulations 2005; they come into force on 24th November 2005.

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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 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 and paragraphs 12 and 21 of that Schedule amend respectively sections 17(1) and 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).

Amendment of the Food Labelling (Amendment) (England) (No. 2) Regulations 2005

2. The Food Labelling (Amendment) (England) (No. 2) Regulations 2005⁽⁴⁾ shall be amended in accordance with regulations 3 and 4.

3. In regulation 3 (amendment of definition of “Directive [2000/13/EC](#)” in regulation 2(1) of the Food Labelling Regulations 1996⁽⁵⁾) there shall be inserted at the end the words “which was itself amended by Commission Directive [2005/63/EC](#)⁽⁶⁾”.

4. In the Schedule, in the text of the new Schedule 2A to be inserted in the Food Labelling Regulations 1996 (list of ingredients which originate from allergenic ingredients and in respect of which the allergen labelling requirements do not apply) in column 2 for the words “Fish gelatine used as carrier for vitamins and flavours” there shall be substituted the words “Fish gelatine used as a carrier for vitamin or carotenoid preparations and flavours”.

Signed by authority of the Secretary of State for Health

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

24th October 2005

⁽⁴⁾ S.I. [2005/2057](#).

⁽⁵⁾ S.I. [1996/1499](#); the relevant amending instruments are S.I. [1998/1398](#), [2000/2254](#), [2003/2647](#), [2004/2824](#), [2005/2057](#).

⁽⁶⁾ OJ No. L258, 4.10.2005, p.3.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Labelling (Amendment) (England) (No. 2) Regulations 2005 which implement in England Commission Directive [2005/26/EC](#) establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive [2000/13/EC](#) of the European Parliament and of the Council (OJ No. L75, 22.3.2005, p.33). In accordance with the timetable in that Directive, those Regulations come into force on 25th November 2005. Those Regulations confer an exemption until 25th November 2007 from the allergen labelling requirements in regulation 34B of the Food Labelling Regulations 1996 in the case of certain ingredients originating from allergenic ingredients. The 1996 Regulations extend to the whole of Great Britain; those amendment Regulations apply in relation to England only.

2. These Regulations implement in England Commission Directive [2005/63/EC](#) correcting Directive [2005/26/EC](#) (OJ No. L258, 4.10.2005, p.3).

3. These Regulations—

- (a) confer an exemption until 25th November 2007 from the allergen labelling requirements in regulation 34B of the 1996 Regulations in the case of fish gelatine used as a carrier for carotenoid preparations (regulation 4);
- (b) update the definition of “Directive [2000/13/EC](#)” (regulation 3).

4. A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.