
STATUTORY INSTRUMENTS

2006 No. 1499

**AGRICULTURE, ENGLAND
AGRICULTURE, NORTHERN IRELAND**

**The Common Agricultural Policy (Wine) (England
and Northern Ireland) (Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>5th June 2006</i>
<i>Laid before Parliament</i>		<i>9th June 2006</i>
<i>Coming into force</i>	- -	<i>1st July 2006</i>

The Secretary of State⁽¹⁾ has been designated for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community⁽³⁾ and in relation to measures relating to food (including drink) including the primary production of food⁽⁴⁾.

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council⁽⁵⁾ 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, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council⁽⁶⁾.

The Secretary of State makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972 —

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2006 and come into force on 1st July 2006.

(2) In these Regulations “the 2001 Regulations” mean the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001⁽⁷⁾.

(1) The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I.2002/794).
(2) 1972 c. 68.
(3) S.I. 1972/1811. The continued power of the Secretary of State to make Regulations for Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.
(4) S.I. 2003/2901.
(5) OJ No. L31, 1.2.2002, p.1.
(6) OJ No. L245, 29.9.2003, p.4.
(7) S.I. 2001/686, amended by S.I. 2003/114, 2004/1046, 2005/2992.

Amendment of the 2001 Regulations

2.—(1) The 2001 Regulations are amended as follows.

(2) In each of the provisions specified in paragraph (3), for the words “Wine Standards Board”, wherever occurring, substitute the word “Agency”.

(3) The provisions referred to in paragraph (2) are—

- (a) the definition of “enforcement authority” in regulation 2(1); and
- (b) regulations 3(1), (3), (4) and (5), 8(3), 9(4) and 18.

(4) In regulation 2(1)—

- (a) insert at the appropriate place the following definition —
“the Agency” means the Food Standards Agency;” and
- (b) omit the definition of “the Wine Standards Board”.

(5) In regulation 3(6), omit the words “the Wine Standards Board or”.

(6) Substitute regulation 10 with the following regulation—

“Review of prohibitions etc. on movement of wine-sector products

10.—(1) This regulation applies where an authorised officer of the Agency—

- (a) has given a notice under regulation 8(2) (“a regulation 8 notice”); or
- (b) has refused to give consent to the movement of a controlled wine-sector product under regulation 9 (“a regulation 9 refusal”).

(2) A person to whom a regulation 8 notice has been given, or who has been refused consent under regulation 9, may request a review of the notice or the refusal.

(3) A request made by a person under paragraph (2) shall be made to the Agency within 6 months of the receipt of the regulation 8 notice or regulation 9 refusal.

(4) Where a regulation 8 notice or regulation 9 refusal is sent by post in a properly addressed, pre-paid envelope then, unless the contrary is proved, the notice or refusal, as the case may be, is deemed to have been received on the next working day where it is sent by first class post and on the next but one working day where it is sent by second class post.

(5) Where a request is made under paragraph (2) within the period specified in paragraph (3) —

- (a) the Agency shall nominate a person from the list established under paragraph (6) to determine whether the regulation 8 notice or regulation 9 refusal, as the case may be, should stand;
- (b) the person nominated shall give the person and the Agency an opportunity to make representations on the matter; and
- (c) the person nominated shall, within 1 month of being nominated, decide whether the regulation 8 notice or regulation 9 refusal should stand and shall notify the applicant and the Agency of his decision.

(6) The Agency shall establish and maintain a list of people who may be nominated for the purposes of conducting a review under this regulation and shall consult those organisations appearing to it to represent the wine industry before including any person on the list.”

Transitional provisions

3.—(1) Anything done by or in relation to the Wine Standards Board in the exercise of its functions under the 2001 Regulations before the coming into force of these Regulations shall have effect as if done by or in relation to the Food Standards Agency.

(2) Anything which at the time of the coming into force of these Regulations is in the process of being done by or in relation to the Wine Standards Board in the exercise of its functions under the 2001 Regulations may be continued by or in relation to the Food Standards Agency.

(3) Any reference to the Wine Standards Board in any document relating to anything to which paragraph (1) or (2) applies shall, so far as necessary for giving effect to those provisions, be construed as a reference to the Food Standards Agency.

5th June 2006

Jeff Rooker
Minister of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations further amend the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001 (“the 2001 Regulations”), which provide for the enforcement in England and Northern Ireland of European Community Regulations concerned with the production and marketing of wine and related products.

These Regulations—

- (a) replace references to the Wine Standards Board with references to the Food Standards Agency (regulation 2(1) to (3)) thereby making the Food Standards Agency responsible for the enforcement functions under the 2001 Regulations that were previously the responsibility of the Wine Standards Board;
- (b) make other consequential amendments arising as a result of the changes made in relation to those enforcement functions (regulation 2(4) and (5));
- (c) put in place a different procedure for the review of prohibitions etc. on the movement of wine-sector products (regulation 2(6)); and
- (d) contain transitional provisions (regulation 3).

A Regulatory Impact Assessment has been prepared for these Regulations. A copy has been placed in the library of each House of Parliament. Copies can be obtained from the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR.