

2007 No. 453

FOOD, ENGLAND

The Colours in Food (Amendment) (England) Regulations 2007

Made - - - - *14th February 2007*

Laid before Parliament *9th March 2007*

Coming into force - - *6th April 2007*

The Secretary of State makes the following Regulations in exercise of the powers conferred 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(a) and now vested in her(b).

In accordance with section 48 (4A) of that Act, she has had regard to relevant advice given by the Food Standards Agency.

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(c) there has been open and transparent public consultation during the preparation of the following Regulations.

Title, application and commencement

1. These Regulations may be cited as the Colours in Food (Amendment) (England) Regulations 2007, apply in relation to England only and come into force on 6th April 2007.

(a) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999Act”. Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. 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 1999 Act and S.I. 2004/2990.

(b) 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 1999 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.

(c) OJ No. L31, 1.2.2002, p.1, as last amended as at the making of this instrument by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

Amendment of the Colours in Food Regulations 1995

2.—(1) The Colours in Food Regulations 1995(a) are amended in so far as they apply in relation to England in accordance with paragraph (2).

(2) In paragraph (1) of regulation 2 (interpretation), for the definition of “Directive 95/45/EC” there is substituted the following definition —

““Directive 95/45/EC” means Commission Directive 95/45/EC laying down specific criteria of purity concerning colours for use in foodstuffs(b) as amended by Directive 1999/75/EC(c), Directive 2001/50/EC(d), Directive 2004/47/EC(e) and Directive 2006/33/EC(f);”.

Signed by the authority of the Secretary of State for Health

14th February 2007

Caroline Flint
Minister of State,
Department of Health

(a) S.I. 1995/3124, amended by S.I. 2000/481, S.I. 2001/3442, S.I. 2002/1923, S.I. 2003/1563, S.I. 2003/1564, S.I. 2005/519 and S.I. 2005/2626.
(b) OJ No. L226, 29.9.1995, p.1.
(c) OJ No. L206, 5.8.1999, p.19.
(d) OJ No. L190, 12.7.2001, p.14.
(e) OJ No. L113, 20.4.2004, p.24.
(f) OJ No. L82, 21.3.2006, p.10.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations apply in relation to England only. They implement in relation to England Commission Directive 2006/33/EC amending Directive 95/45/EC as regards sunset yellow FCF (E110) and titanium dioxide (E171) (OJ No. L82, 21.3.2006, p.10).

2. They do so by updating the definition of “Directive 95/45/EC” (Commission Directive 95/45/EC laying down specific criteria of purity concerning colours for use in foodstuffs, OJ No. L226, 29.9.1995, p.1) that appears in regulation 2(1) of the Colours in Food Regulations 1995 (S.I. 1995/3124, as already amended), which extend to the whole of Great Britain, to reflect the amendments made to that Directive by Commission Directive 2006/33/EC (*regulation 2*).

3. Commission Directive 2006/33/EC amends Commission Directive 95/45/EC by substituting revised purity criteria for the colours sunset yellow FCF (E110) and titanium dioxide (E171).

4. A full Regulatory Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

5. A Transposition Note has been prepared and placed in the Library of each House of Parliament, setting out how the main elements of the European legislation referred to above are transposed in these Regulations. Copies of this document may be obtained from the Novel Foods, Additives and Supplements Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

STATUTORY INSTRUMENTS

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