

*This Statutory Instrument has been made in consequence of a defect in [SI 2007/1778](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2008 No. 42**

**FOOD, ENGLAND**

The Miscellaneous Food Additives  
(Amendment) (England) Regulations 2008

<i>Made</i>	- - - -	<i>10th January 2008</i>
<i>Laid before Parliament</i>		<i>17th January 2008</i>
<i>Coming into force</i>	- -	<i>15th February 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a), 17(1) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990<sup>(1)</sup> and now vested in him<sup>(2)</sup>.

In accordance with section 48(4A) of that Act, he 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<sup>(3)</sup> there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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(1) 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 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](#).

(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 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 thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([2006 c.32](#)). 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 [Commission Regulation \(EC\) No. 575/2006](#) (OJ No. L100, 8.4.2006, p.3).

### Title, commencement and application

1. These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (England) Regulations 2008, come into force on 15th February 2008 and apply in relation to England only.

### Amendments to the Miscellaneous Food Additives Regulations 1995

2.—(1) The Miscellaneous Food Additives Regulations 1995<sup>(4)</sup> are amended in accordance with paragraph (2).

(2) In Schedule 8 (miscellaneous additives permitted in foods for infants and young children) —

- (a) in Part 3 (miscellaneous additives permitted in weaning foods for infants and young children in good health), omit the entry relating to E 473; and
- (b) in Part 4 (miscellaneous additives permitted in dietary foods for infants and young children for special medical purposes as defined in Directive 1999/21/EC), after the entry relating to E 472c insert the following entry —

“E 473	Sucrose esters of fatty acids	Products containing hydrolysed proteins, peptides and amino acids	120 mg/l”
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Signed by authority of the Secretary of State for Health.

10th January 2008

*Dawn Primarolo*  
Minister of State,  
Department of Health

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(4) S.I. 1995/3187, amended in relation to England 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, S.I. 2003/1659, S.I. 2003/2243, S.I. 2003/3120, S.I. 2003/3295, S.I. 2004/2601, S.I. 2005/1099 and S.I. 2007/1778.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which apply in relation to England only, further amend the Miscellaneous Food Additives Regulations 1995 ([S.I. 1995/3187](#) as amended) (“the Additives Regulations”) in order to rectify an error caused by a defect in the Miscellaneous Food Additives and the Sweeteners in Food (Amendment) (England) Regulations 2007 ([S.I. 2007/1778](#)).
2. The entry for one substance in Schedule 8 of the Additives Regulations is removed from Part 3 of that Schedule and added to Part 4.
3. A full impact assessment has not been prepared for these Regulations because no impact on the private or voluntary sectors is foreseen.