

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only, provide for the execution and enforcement there of [Commission Regulation \(EC\) No. 41/2009](#) concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten (OJNo. L16, 21.1.2009, p.3) (“the Commission Regulation”) as read with Article 10(2) of Directive [2009/39/EC](#) of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (OJ No. L124, 20.5.2009, p.21).

2. The Commission Regulation imposes requirements on the composition and labelling of foodstuffs for people intolerant to gluten and other foodstuffs suitable for people intolerant to gluten, in particular as regards the use of the terms “very low gluten” and “gluten-free”.

3. These Regulations—

- (a) provide that a person who contravenes specified provisions of the Commission Regulation is guilty of an offence (*regulation 3(1)*);
- (b) provide penalties for offences (*regulation 3(2)*);
- (c) specify the enforcement authority (*regulation 3(3)*);
- (d) provide that these Regulations apply in relation to foodstuffs for people intolerant to gluten that are placed on the retail market irrespective of whether they are in pre-packaged form as provided for in Article 10(2) of Directive [2009/39/EC](#) (*regulation 4*); and
- (e) provide for the application, with modifications, of specified provisions of the Food Safety Act 1990 ([1990 c.16](#)) for the purposes of these Regulations (*regulation 5*).

4. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Nutrition Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. coming into force by [S.I. 2010/2281 reg. 1](#)
- Regulations revoked by [2023 c. 28 Sch. 1 Pt. 1](#)
- reg. 1 coming into force by [S.I. 2010/2281 reg. 1](#)
- reg. 2 coming into force by [S.I. 2010/2281 reg. 1](#)
- reg. 3 coming into force by [S.I. 2010/2281 reg. 1](#)
- reg. 4 coming into force by [S.I. 2010/2281 reg. 1](#)
- reg. 5 coming into force by [S.I. 2010/2281 reg. 1](#)