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STATUTORY INSTRUMENTS

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**2011 No. 258**

**FOOD, ENGLAND**

**The Food Additives (England) (Amendment) Regulations 2011**

*Made* - - - - 7th February 2011

*Laid before Parliament* 11th February 2011

*Coming into force* - - 31st March 2011

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990(1) and now vested in him(2). 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(3), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Title and commencement**

1. These Regulations may be cited as the Food Additives (England) (Amendment) Regulations 2011 and come into force on 31st March 2011.

**Amendment of the Food Additives (England) Regulations 2009**

2.—(1) The Food Additives (England) Regulations 2009(4) are amended in accordance with paragraph (2).

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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 1999 Act”. 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, [S.I. 2004/2990](#) and [S.I. 2004/3279](#).
- (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 (1999 c. 28). Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and subsequently 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. 596/2009](#) of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision [1999/468/EC](#) with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p14).
- (4) [S.I. 2009/3238](#).

- (2) In paragraph (1) of regulation 2 (interpretation) —
- (a) at the end of the definition of “Directive 08/60” add the expression “as amended by Commission Directive 2010/37/EU amending Directive 2008/60 laying down specific purity criteria on sweeteners”; and
  - (b) at the end of the definition of “Directive 08/84” add the expression “as amended by Commission Directive 2010/67/EU amending Directive 2008/84 laying down specific purity criteria on food additives other than colours or sweeteners”.

Signed by authority of the Secretary of State for Health.

7th February 2011

*Anne Milton*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

1. These Regulations implement in England two European Directives concerned with the purity criteria for certain food additives (“the amending Directives”). The amending Directives are —
  - (a) Commission Directive 2010/37/EU amending Directive [2008/60/EC](#) laying down specific purity criteria on sweeteners (OJ No. L152, 18.6.2010, p.12); and
  - (b) Commission Directive 2010/67/EU amending Directive [2008/84/EC](#) laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L277, 21.10.2010, p.17).
2. These Regulations implement the amending Directives by making amendments to regulation 2 of the Food Additives (England) Regulations 2009 ([S.I. 2009/3238](#)) so that the definitions of Directive 08/60 and Directive 08/84 in that regulation include reference to the relevant amending Directive (*regulation 2(2)*).
3. An impact assessment has not been prepared for this instrument as it has no impact on business or the public or third sectors.