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STATUTORY INSTRUMENTS

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**2013 No. 466**

**FOOD, ENGLAND**

**The Food (Miscellaneous Amendment and Revocation)  
(England) Regulations 2013**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>28th February 2013</i> |
| <i>Laid before Parliament</i> |         | <i>6th March 2013</i>     |
| <i>Coming into force</i>      | - -     | <i>6th April 2013</i>     |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1) and (3), 17(1), 26(1) and (3) and 48(1)(c) and (4) of the Food Safety Act 1990(a) and now vested in him(b).

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

**Title application and commencement**

1. These Regulations may be cited as the Food (Miscellaneous Amendment and Revocation) (England) Regulations 2013, apply in relation to England only and come into force on 6th April 2013.

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(a) 1990 c.16.

(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 Food Standards Act 1999 (1999 c.28). 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 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.

(c) OJ No. L31, 1.2.2002, p.1, as last amended by 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. L 188, 18.7.2009, p.14).

## **Amendment of the Food Labelling Regulations 1996**

2.—(1) The Food Labelling Regulations 1996(a) are amended in accordance with paragraph (2).

(2) In regulation 50 (transitional provision), for subparagraph (b) of paragraph (15) substitute the following —

“(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by paragraphs (1) to (5) and (7) of regulation 2 of the Food Labelling (Declaration of Allergens) (England) Regulations 2008(b) had not been in operation when the food was sold.”.

## **Revocations**

3. The following Regulations are revoked —

- (a) The Arsenic In Food Regulations 1959(c);
- (b) The Arsenic In Food (Amendment) Regulations 1960(d);
- (c) The Arsenic In Food (Amendment) Regulations 1973(e);
- (d) The Chloroform in Food Regulations 1980(f); and
- (e) The Ungraded Eggs (Hygiene) Regulations 1990(g).

Signed by authority of the Secretary of State for Health.

28th February 2013

*Anna Soubry*  
Parliamentary Under-Secretary of State,  
Department of Health

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(a) S.I. 1996/1499, to which the relevant amending instruments are S.I. 2008/1188, S.I. 2009/2801 and S.I. 2011/402.  
(b) S.I. 2008/1188.  
(c) S.I. 1959/831.  
(d) S.I. 1960/2261.  
(e) S.I. 1973/1052.  
(f) S.I. 1980/36.  
(g) S.I. 1990/1323.

## EXPLANATORY NOTE

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

1. These Regulations make a further amendment to regulation 50(15) of the Food Labelling Regulations 1996 (S.I. 1996/1499) in order to correct an error in a previous amending instrument (S.I. 2011/402).

2. In addition these Regulations revoke —

- (a) the Arsenic In Food Regulations 1959 (S.I. 1959/831) and their amending instruments;
- (b) the Chloroform in Food Regulations 1980 (S.I. 1980/36); and
- (c) the Ungraded Eggs (Hygiene) Regulations 1990 (S.I. 1990/1323).

3. A full impact assessment has not been produced for this instrument as no impact on business or the public or voluntary sectors is foreseen.

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