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STATUTORY INSTRUMENTS

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**2018 No. 575**

**AGRICULTURE, ENGLAND**

LIVESTOCK INDUSTRIES

**ANIMALS, ENGLAND**

ANIMAL HEALTH

ANIMAL WELFARE

**COAST PROTECTION, ENGLAND**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**FLOOD RISK MANAGEMENT, ENGLAND**

**FOOD, ENGLAND**

**HORTICULTURE, ENGLAND**

**PLANT HEALTH, ENGLAND**

**SEA FISHERIES, ENGLAND**

CONSERVATION OF SEA FISH

**SEEDS, ENGLAND**

**WASTE, ENGLAND**

**WATER, ENGLAND**

**WATER RESOURCES, ENGLAND**

The Environment, Food and Rural Affairs (Miscellaneous  
Amendments) (England) Regulations 2018

*Made* - - - -

*8th May 2018*

*Laid before Parliament*

*10th May 2018*

*Coming into force*

*provisions mentioned in  
regulation 1(2)(a) to (e)*

*5th July 2018*

*remainder*

*1st June 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) except so far as relating to regulations 14 and 15, section 2(2) of the European Communities Act 1972(1);
- (b) so far as relating to regulation 14, sections 103(1) to (3) and 104(4) and (6) of the Water Act 2003(2);
- (c) so far as relating to regulation 15, sections 16(1)(a) and 48(1)(c) of the Food Safety Act 1990(3).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

- (a) the common agricultural policy(4);
- (b) the environment(5);
- (c) measures in the veterinary and phytosanitary fields for the protection of public health(6);
- (d) measures relating to food (including drink) including the primary production of food(7);
- (e) measures relating to the control and regulation of genetically modified organisms(8);
- (f) measures relating to the prevention, reduction and elimination of pollution caused by waste(9);
- (g) medicinal products(10).

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(11).

There has been consultation, 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(12), during the preparation and evaluation of these Regulations so far as they relate to food.

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- (1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.
  - (2) 2003 c. 37.
  - (3) 1990 c. 16; sections 16(1)(a) and 48(1) were amended by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 8.
  - (4) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy: under Article 38(1) of the Treaty on the Functioning of the European Union, the EU's common agricultural policy includes its common fisheries policy (OJ No L 133, 29.5.2015, p 1).
  - (5) S.I. 2008/301.
  - (6) S.I. 1999/2027.
  - (7) S.I. 2003/2901, to which there are amendments not relevant to these Regulations.
  - (8) S.I. 1991/755, to which there are amendments not relevant to these Regulations.
  - (9) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.
  - (10) S.I. 1972/1811.
  - (11) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.
  - (12) OJ No L 31, 1.2.2002, p 1, as last amended by Regulation (EU) 2017/745 of the European Parliament and of the Council (OJ No L 117, 5.5.2017, p 1).