

Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within 28 days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2019 No. 1247

**EXITING THE EUROPEAN UNION
AGRICULTURE
FOOD**

The Specific Food Hygiene (Regulation (EC)
No. 853/2004) (Amendment) (EU Exit) Regulations 2019

<i>Made</i>	- - - -	<i>2.40 p.m. on 9th September 2019</i>
<i>Laid before Parliament</i>		<i>4.00 p.m. on 9th September 2019</i>
<i>Coming into force in accordance with regulation 1</i>		

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

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 there has been open and transparent public consultation during the preparation of these Regulations.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Specific Food Hygiene (Regulation (EC) No. 853/2004) (Amendment) (EU Exit) Regulations 2019.

(2) Parts 1 and 2 come into force immediately before exit day.

(3) Part 3 comes into force on exit day.

PART 2

Amendment of subordinate legislation

Amendment of the Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019

2. Omit regulation 6 of the Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019(2).

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

3. Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin is amended as follows.

4. In Article 3, for paragraph 2, substitute—

“2. Food business operators must not use any substance other than potable water—or, when Regulation (EC) No. 852/2004 or this Regulation permits its use, clean water— to remove surface contamination from products of animal origin, unless use of the substance has been prescribed by the appropriate authority. Food business operators must comply with any conditions of use that may be prescribed by the appropriate authority. The use of a prescribed substance does not affect the food business operator’s duty to comply with the requirements of this Regulation.”.

Signed by authority of the Secretary of State for Health and Social Care.

2.40 p.m. on 9th September 2019

Jo Churchill
Parliamentary Under-Secretary of State,
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular, the Regulations address the deficiency specified in section 8(2)(b) of that Act, namely the conferral of functions by retained EU law on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom.

These Regulations make amendments to legislation in the field of food and, in particular, amend legislation relating to specific hygiene rules for food of animal origin and organisation of official controls on products of animal origin for human consumption. Part 2 amends subordinate legislation which extends to the whole of the United Kingdom. The amendment made by Part 2 revokes an earlier regulation so that a revised approach to the amendment of retained direct EU legislation may be taken by way of Part 3 of these Regulations. Part 3 amends retained direct EU legislation for the whole of the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.