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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1787 (W. 128)**

**FOOD, WALES**

**The Miscellaneous Food Additives  
(Amendment) (Wales) Regulations 2001**

*Made* - - - - *1st May 2001*

*Coming into force* - - *1st June 2001*

In exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990 (1), and now vested in the National Assembly for Wales(2) the National Assembly for Wales, having had regard, in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

**Title, commencement, and application**

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001.

(2) These Regulations apply to Wales only and come into force on 1st June 2001.

**Amendment of the Miscellaneous Food Additives Regulations 1995**

2. The Miscellaneous Food Additives Regulations 1995(3) shall be amended in so far as they apply to Wales, in accordance with Regulations 3 to 5 below.

3. In regulation 2(1) (interpretation), in the definition of “Directive 96/77/EC” there shall be added at the end the words “and Commission Directive 2000/63/EC”(4).

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(1) 1990 c. 16; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 10(3). Functions formerly exercisable by “the Ministers” 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; functions formerly exercisable by “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); those functions, so far as exercisable in relation to Scotland, were transferred to “the Scottish Ministers” by section 53 of the Scotland Act 1998 (c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(2) The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) SI 1995/3187, amended by SI 1997/1413 and SI 1999/1136.

(4) OJ No. L277, 30.10.2000, p. 1.

4. In regulation 11 (transitional provision and exemptions) there shall be inserted after paragraph (1B) the following paragraph—

“(1C) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove

that—

- (a) the food additive or food concerned was put on the market or labelled before 1st June 2001; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001 had not been made when that matter occurred.”.

5. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

### Consequential amendments

6.—(1) In so far as any Instrument listed in regulation 14(1) of the Miscellaneous Food Additives (Amendment) Regulations 1999(5) extends to Wales, that provision shall cease to have effect in relation to that instrument.

(2) In the following instruments, in so far as they extend to Wales, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those instruments as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(6), the Miscellaneous Food Additives (Amendment) Regulations 1999 and these Regulations:

- the Mineral Hydrocarbons in Food Regulations 1966(7))
- the Specified Sugar Products Regulations 1976(8))
- the Cocoa and Chocolate Products Regulations 1976(9))
- the Fruit Juices and Fruit Nectars Regulations 1977(10))
- the Condensed Milk and Dried Milk Regulations 1977 (11))
- the Jam and Similar Products Regulations 1981(12))
- the Meat Products and Spreadable Fish Products Regulations 1984(13))
- the Food Additives Labelling Regulations 1992(14))
- the Food Labelling Regulations 1996(15))

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(5) S.I. 1999/1136.

(6) S.I. 1997/1413.

(7) S.I. 1966/1073; the relevant amending instrument is S.I. 1995/3187.

(8) S.I. 1976/509; the relevant amending instrument is S.I. 1995/3187.

(9) S.I. 1976/541; the relevant amending instrument is S.I. 1995/3187.

(10) S.I. 1977/927; the relevant amending instrument is S.I. 1995/3187.

(11) S.I. 1977/928; the relevant amending instrument is S.I. 1995/3187.

(12) S.I. 1981/1063; the relevant amending instrument is S.I. 1995/3187.

(13) S.I. 1984/1566; the relevant amending instrument is S.I. 1995/3187.

(14) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3187.

(15) S.I. 1996/1499 to which there are amendments not relevant to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(16)**.

1st May 2001

*Dafydd Elis Thomas*  
The Presiding Officer of the National Assembly

SCHEDULE

Regulation 5

**MISCELLANEOUS ADDITIVES FOR WHICH PURITY  
CRITERIA SPECIFIED OR REFERRED TO IN SCHEDULE  
5 TO THE PRINCIPAL REGULATIONS ARE OMITTED**

- E 296 Malic acid
- E 297 Fumaric acid
- E 350(i) Sodium malate
- E 350(ii) Sodium hydrogen malate
- E 351 Potassium malate
- E 352(i) Calcium malate
- E 352(ii) Calcium hydrogen malate
- E 355 Adipic acid
- E 363 Succinic acid
- E 380 Triammonium citrate
- E 500(i) Sodium carbonate
- E 500(ii) Sodium hydrogen carbonate
- E 500(iii) Sodium sesquicarbonate
- E 501(i) Potassium carbonate
- E 501(ii) Potassium hydrogen carbonate
- E 503(i) Ammonium carbonate
- E 503(ii) Ammonium hydrogen carbonate
- E 507 Hydrochloric acid
- E 509 Calcium chloride
- E 513 Sulphuric acid
- E 514(i) Sodium sulphate
- E 515(i) Potassium sulphate
- E 516 Calcium sulphate
- E 522 Aluminium potassium sulphate
- E 524 Sodium hydroxide
- E 525 Potassium hydroxide
- E 526 Calcium hydroxide
- E 527 Ammonium hydroxide
- E 528 Magnesium hydroxide
- E 529 Calcium oxide
- E 530 Magnesium oxide
- E 535 Sodium ferrocyanide
- E 536 Potassium ferrocyanide
- E 541 Sodium aluminium phosphate, acidic
- E 551 Silicon dioxide
- E 552 Calcium silicate

E 553a(i)Magnesium silicate  
E 553a(ii)Magnesium trisilicate  
E 575Glucono-delta-lactone  
E 576Sodium gluconate  
E 577Potassium gluconate  
E 578Calcium gluconate  
E 640Glycine  
E 900Dimethylpolysiloxane  
E 901Beeswax, white and yellow  
E 903Carnauba wax  
E 904Shellac  
E 941Nitrogen  
E 942Nitrous oxide  
E 948Oxygen  
E 999Extract of quillaia  
E 1200Polydextrose  
Propane-1, 2-diol (propylene glycol)

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## EXPLANATORY NOTE

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

These Regulations, which apply to Wales only, amend the Miscellaneous Food Additives Regulations 1995, as amended (“the principal Regulations”).

The Regulations implement Commission Directive [2000/63/EC](#) amending Directive [96/77/EC](#) laying down specific purity criteria on food additives other than colours and sweeteners (OJNo. L277, 30.10.2000, p.1).

Subject to a transitional provision, the Regulations amend the existing requirements in the principal Regulations as regards the purity criteria for butylated hydroxyanisole (BHA) and specify new purity criteria in relation to the additives specified in Annex II to Commission Directive [2000/63/EC](#) (regulations 3 to 5).

The Regulations also make consequential amendments to the instruments specified in regulation 4, as regards references in those instruments to the principal Regulations (regulation 6).

No regulatory impact assessment has been prepared in respect of these Regulations.