
WELSH STATUTORY INSTRUMENTS

2003 No. 3044

The Honey (Wales) Regulations 2003

Title, commencement and application

1. These Regulations may be cited as the Honey (Wales) Regulations 2003, shall come into force on 28 November 2003 and shall apply to Wales only.

Interpretation

2.—(1) In these Regulations —

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“brood” (“*chwiler*”) means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

“catering establishment” (“*sefydliad arlwyo*”) means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“Directive 2001/110” (“*Cyfarwyddeb 2001/110*”) means Council Directive [2001/110/EC](#) relating to honey⁽¹⁾;

“EEA Agreement” (“*Cytundeb yr AEE*”) means the Agreement on the European Economic Area⁽²⁾ signed at Oporto on 2nd May 1992 as adjusted by the Protocol⁽³⁾ signed at Brussels on 17th March 1993;

“EEA State” (“*Gwladwriaeth yr AEE*”) means a State which is a Contracting Party to the EEA Agreement;

“food authority” (“*awdurdod bwyd*”) has the same meaning as in section 5(1A) and (3)(a) and (b) of the Food Safety Act 1990;

“honey” (“*mêl*”) means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;

“ingredient” (“*cynhwysyn*”) has the meaning assigned to it by the 1996 Regulations;

“labelling” (“*labelu*”) has the meaning assigned to it by the 1996 Regulations;

“preparation” (“*paratoi*”) includes manufacture and any form of processing or treatment;

“the 1996 Regulations” (“*Rheoliadau 1996*”) means the Food Labelling Regulations 1996⁽⁴⁾;

(1) OJNo. L10, 12.1.2002, p.47, as adopted by EEA Joint Committee Decision 99/2002.

(2) OJ No. L1, 3.1.94, p.1.

(3) OJ No. L1, 3.1.94, p.571.

(4) S.I. [1996/1499](#); the relevant amending instrument is S.I. [1998/1398](#).

“reserved description”, (“*disgrifiad neilltuedig*”) as regards any specified honey product means any description specified in relation to that product in column 1 of Schedule 1 (as read with the notes relating to that Schedule);

“sell” (“*gwerthu*”) includes offer or expose for sale and includes have in possession for sale, and “sale” (“*gwerthiant*”) shall be construed accordingly;

“specified honey product”, (“*cynnyrch mêl penodol*”) subject to paragraph (2) means any food specified in column 2 of Schedule 1; and

“ultimate consumer” (“*defnyddiwr olaf*”) means any person who buys food otherwise than —

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business.

(2) Notwithstanding the fact that a food is specified in Column 2 of Schedule 1, it will only be treated as a specified honey product for the purpose of these Regulations —

- (i) if it meets the relevant specifications contained in Schedule 2 as read with the notes relating to that Schedule, and
- (ii) there has not been added to it any other ingredient and it is as far as possible free from organic or inorganic matters foreign to its composition.

(3) Any other expression used in both these Regulations and in Directive 2001/110 has the same meaning in these Regulations as that Directive.

Reserved descriptions

3. No person shall sell to the ultimate consumer or to a catering establishment any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless —

- (a) such food is the specified honey product to which the reserved description relates;
- (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a specified honey product.

Labelling and description of specified honey products

4.—(1) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell to the ultimate consumer or to a catering establishment any specified honey product unless it is marked or labelled with the following particulars —

- (a) a reserved description of the product;
- (b) in the case of baker’s honey the words “intended for cooking only” which words shall appear on the label in close proximity to the product name;
- (c) the country or countries of origin where the honey has been harvested save that if the honey originates in more than one Member State or third country the country of origin may be replaced with one of the following as appropriate —
 - (i) “blend of EC honeys”,
 - (ii) “blend of non-EC honeys”,
 - (iii) “blend of EC and non-EC honeys”;

(2) No person shall sell to the ultimate consumer or to a catering establishment any filtered honey or baker's honey which is marked or labelled with information relating to floral or vegetable origin, regional, territorial or topographical origin or specific quality criteria.

(4) Where pursuant to note 2 of Schedule 1, the reserved description "honey" has been used in the product name of a compound foodstuff containing baker's honey, no person shall sell such a compound foodstuff unless the list of ingredients includes the term "baker's honey".

Sale of filtered honey or baker's honey in bulk containers or packs

5.—(1) No person shall sell any filtered honey or baker's honey in bulk containers or packs unless such bulk containers and packs are labelled with their respective reserved description of the product and any trade documents clearly indicate the reserved description of the product.

(2) For the purpose of this paragraph trade documents includes all documents relating to the sale, transportation, storage or delivery of the product.

Manner of marking or labelling

6. Regulations 35, 36(1) and (5) and 38 of the 1996 Regulations (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a specified honey product is required to be marked or labelled by regulations 4(1)(a) to (c) and (3) of these Regulations as if they were particulars with which a food is required to be marked or labelled by the 1996 Regulations.

Penalties and enforcement

7.—(1) Any person who contravenes regulations 3, 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person accused to prove —

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to an EEA State, that the legislation complies with the provisions of Council Directive 2001/110/EC relating to honey.

Application of various provisions of the Act

9. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or any Part thereof shall be construed as a reference to these Regulations —

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumptions that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence), as it applies for the purposes of section 8, 14 or 15;
- (e) section 22 (defence of publication in the course of a business);
- (f) section 30(8) (which relates to documentary evidence);

- (g) section 33(1) (obstruction etc. of officers);
- (h) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (g);
- (i) section 35(1) (punishment of offences), insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g);
- (j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h);
- (k) section 36 (offences by bodies corporate);
- (l) section 44 (protection of officers acting in good faith).

Amendment and revocations

10.—(1) The Honey Regulations 1976⁽⁵⁾, in so far as they apply to Wales, are revoked.

(2) The following entries relating to the Honey Regulations 1976 shall (insofar as the following Regulations apply to Wales), be omitted —

- (a) in the Food (Revision of Penalties) Regulations 1982⁽⁶⁾, in Schedule 1;
- (b) in the Food (Revision of Penalties) Regulations 1985⁽⁷⁾, in Part I to Schedule 1;
- (c) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990⁽⁸⁾, in Part 1 to Schedule 1, Part I to Schedule 2, Part 1 to Schedule 3 and Schedules 6 and 12;
- (d) in the Food Safety (Exports) Regulations 1991⁽⁹⁾, in Part 1 to Schedule 1;
- (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992⁽¹⁰⁾, in Part 1 to Schedule 1;
- (f) in the Miscellaneous Food Additives Regulations 1995⁽¹¹⁾, in Schedule 9;
- (g) in the Food Labelling Regulations 1996⁽¹²⁾, in Schedule 9;

(3) In the Miscellaneous Food Additives Regulations 1995, in so far as they apply to Wales, there shall be substituted for the reference to Directive [74/409/EEC](#) in Schedule 6, a reference to Directive 2001/110.

(4) In the 1996 Regulations, in so far as they apply to Wales, Regulation 4(2)(c) is revoked.

Transitional provisions

11. In any proceedings for an offence under these Regulations it shall be a defence for the person accused to prove that —

- (a) the food concerned was marked or labelled before 1st August 2004; and
- (b) the matters constituting the alleged offence would not have constituted an offence under the Honey Regulations 1976 as they stood immediately before the coming into force of these Regulations.

⁽⁵⁾ S.I. 1976/1832 as amended by S.I. 1990/2486, S.I. 1991/1476, S.I. 1992/2596 and S.I. 1996/1499.

⁽⁶⁾ S.I. 1982/1727.

⁽⁷⁾ S.I. 1985/67.

⁽⁸⁾ S.I. 1990/2486.

⁽⁹⁾ S.I. 1991/1476.

⁽¹⁰⁾ S.I. 1992/2596.

⁽¹¹⁾ S.I. 1995/3187.

⁽¹²⁾ S.I. 1996/1499.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(13)

26th November 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly