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WELSH STATUTORY INSTRUMENTS

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**2004 No. 554 (W.57)**

**FOOD, WALES**

**The Miscellaneous Food Additives  
(Amendment) (Wales) Regulations 2004**

*Made* - - - - - *2nd March 2004*

*Coming into force* - - - - - *5th March 2004*

The National Assembly for Wales 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<sup>(1)</sup> and now vested in the Assembly<sup>(2)</sup> and having had regard in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency and after 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<sup>(3)</sup> and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

**Title, commencement and application**

1. These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2004, shall apply to Wales only and shall come into force on 5th March 2004.

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

2. In Schedule 3 to the Miscellaneous Food Additives Regulations 1995<sup>(4)</sup>, in the entry for E425 for the words in the third column of that entry, there shall be substituted the words “Foods in general (except those referred to in Schedules 6, 7 and 8, and jelly confectionery, including jelly mini-cups)”.

**Consequential amendments**

3.—(1) Paragraph (2) of regulation 3 (consequential amendments) of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2003<sup>(5)</sup> shall be omitted.

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(1) 1990 c. 16.

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

(3) OJ No. L31, 1.2.2002, p.1.

(4) S.I. 1995/3187, amended by S.I. 1997/1413, S.I. 1999/1136, S.I. 2001/1787 (W.128), S.I. 2002/329 (W.42) and S.I. 2003/945 (W.126).

(5) S.I. 2003/945 (W.126).

(2) In the Regulations listed below, in so far as they apply to Wales, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(6), the Miscellaneous Food Additives (Amendment) Regulations 1999(7), the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(8), the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001(9) the Sweeteners in Food (Amendment) (Wales) Regulations 2001(10), the Colours in Food (Amendment) (Wales) Regulations 2001(11), the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002(12), the Sweeteners in Food (Amendment) (Wales) Regulations 2002(13), the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2003(14), the Sweeteners in Food (Amendment) (Wales) Regulations 2003(15), the Specified Sugar Products (Wales) Regulations 2003(16), the Fruit Juices and Fruit Nectars (Wales) Regulations 2003(17), the Condensed Milk and Dried Milk (Wales) Regulations 2003(18), the Cocoa and Chocolate Products (Wales) Regulations 2003(19), the Honey (Wales) Regulations 2003(20), the Jam and Similar Products (Wales) Regulations 2004(21) and these Regulations:

- the Mineral Hydrocarbons in Food Regulations 1966(22);
- the Food Additives Labelling Regulations 1992(23);
- the Food Labelling Regulations 1996(24);
- the Meat Products and Spreadable Fish Products Regulations 1984(25).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(26).

2nd March 2004

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

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- (6) S.I. 1997/1413.
  - (7) S.I. 1999/1136.
  - (8) S.I. 2001/1440 (W.102).
  - (9) S.I. 2001/1787 (W.128).
  - (10) S.I. 2001/2679 (W.220).
  - (11) S.I. 2001/3909 (W.321).
  - (12) S.I. 2002/329 (W.42).
  - (13) S.I. 2002/330 (W.43).
  - (14) S.I. 2003/945 (W.126).
  - (15) S.I. 2003/1713 (W.181).
  - (16) S.I. 2003/3047 (W.290).
  - (17) S.I. 2003/3041 (W.286).
  - (18) S.I. 2003/3053 (W.291).
  - (19) S.I. 2003/3037 (W.285).
  - (20) S.I. 2003/3044 (W.288).
  - (21) S.I. 2004/553 (W.56)
  - (22) S.I. 1966/1073; the relevant amending instrument is S.I. 1995/3187.
  - (23) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3187.
  - (24) S.I. 1996/1499; to which there are amendments not relevant to these Regulations.
  - (25) S.I. 1984/1566; the relevant amending instrument is S.I. 1995/3187.
  - (26) 1998 c. 38.

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## EXPLANATORY NOTE

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

1. These Regulations, which apply to Wales only, amend the Miscellaneous Food Additives Regulations 1995, as already amended (“the principal Regulations”) which apply to the whole of Great Britain.

2. These Regulations implement European Parliament and Council Directive [2003/52/EC](#)(**27**) amending Directive [95/2/EC](#)(**28**) as regards the conditions of use for a food additive E425 Konjac.

3. These Regulations provide for E425 Konjac to be used in Foodstuffs in general (except in certain foods as are specified in the principal Regulations) but not in jelly confectionery. Jelly confectionery includes jelly mini-cups.

4. A regulatory impact assessment has not been prepared in respect of these Regulations as the instrument will have no effect on the costs of business. A transposition note setting out how the main elements of Directive 2003/52 are transposed in these regulations has been prepared and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor Southgate House, Wood Street, Cardiff, CF10 1EW.

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(27) OJ No. L178, 17.7.2003, p.23.

(28) OJ No. L61, 18.3.1995, p.1.