



NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No.2923 (W. 260)

FOOD, WALES

The Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement in relation to Wales Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products (OJ No. L 244, 7.9.2006, p.27) as amended by Commission Decision 2006/754/EC amending Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products (OJ No.L306, 7.11.2006, p.17)
2. These Regulations -
 - (a) prohibit the first placing on the market of any "rice product" (defined in regulation 2(1)), except where -
 - (i) it is accompanied by an original analytical report satisfying specified requirements and confirming that the product does not contain the genetically modified rice "LL RICE 601",
 - (ii) official sampling and analysis carried out in accordance with specified methods and within a specified time limit shows that the product does not contain such rice, and
 - (iii) specified requirements for split consignments are complied with (regulation 3(1));
 - (b) provide that a person who knowingly contravenes that prohibition is guilty of an offence and prescribe penalties for that offence (regulation 3(2));
 - (c) provide for their enforcement (regulation 4); and
 - (d) apply with modifications certain provisions of the Food Safety Act 1990 for the purposes of the Regulations (regulation 5).
3. No regulatory impact assessment has been prepared in relation to these Regulations.

2006 No.2923 (W. 260)

FOOD, WALES

**The Rice Products (Restriction on First Placing on the Market) (Wales)
Regulations 2006**

Made

8 November 2006

Coming into force

9 November 2006

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The National Assembly for Wales has been designated for the purpose of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(2).

Title, application and commencement

1. The title of these Regulations is the Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006, they apply in relation to Wales and come into force on 9 November 2006.

Interpretation

2.-(1) In these Regulations-

"authorised officer", in relation to a feed authority or a food authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulation;

"the Commission Decision" means Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(3) as amended by Commission Decision 2006/754/EC amending Decision 2006/602/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(4);

"feed" has the meaning given to it in Article 3.4 of Regulation 178/2002;

"feed authority" means the authority required by section 67(1A) of the Agriculture Act 1970(5) to enforce that Act within its area;

"food" has the meaning given to it in Article 2 of Regulation 178/2002;

"first placing on the market" has the meaning that it bears in the Commission Decision;

"food authority" has the meaning that it bears by virtue of section 5(1A) of the Food Safety Act 1990(6);

(1) 1972 c.68.

(2) S.I. 2005/1971.

(3) OJ No. L244, 7.9.2006, p.27.

(4) OJ No. 306, 7.11.2006, p.17.

(5) 1970 c.40.

(6) 1990 c.16.

"rice product" means a rice product of any type referred to in the table in Article 1 of the Commission Decision that originates from the United States of America; and

"Regulation 178/2002" means 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(1) as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Permanent Scientific Panels of the European Food Safety Authority(2).

(2) Where any functions under the Food Safety Act 1990 are assigned-

- (a) by an order under section 2 of the Public Health (Control of Disease) Act 1984(3); or
- (b) by an order under section 6 of the Public Health Act 1936(4), to a joint board for a united district,

any reference in these Regulations to a food authority must be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

Restriction on first placing on the market of rice products

3.-(1) The first placing on the market of any rice product is prohibited unless-

- (a) the conditions specified in Article 2.1 and 4 of the Commission Decision are satisfied in relation to that product; and
- (b) official sampling and analysis carried out in accordance with Article 2(2) of that Decision demonstrates that that product does not contain genetically modified rice "LL RICE 601"; and
- (c) arrangements have been made to ensure compliance with the conditions specified in Article 2(4) of that Decision in relation to that product.

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding three months or to both.

Enforcement

4.-(1) It is the duty of each feed authority to execute and enforce these Regulations within its area in relation to feed.

(2) It is the duty of each food authority to execute and enforce these Regulations within its area in relation to feed.

(3) For the purposes of enabling the feed authority to exercise its duty under paragraph (1) and the food authority to exercise its duty under paragraph (2), an authorised officer of the authority concerned must ensure that the requirements referred to in paragraph (4) are adhered to.

(4) The requirements are those specified in -

- (a) Article 2 of the Commission Decision (which is concerned with the conditions under which consignments of rice products may first be placed on the market); and
- (b) the first sentence of Article 3 of that Decision (which is concerned with control measures relating to rice products already on the market); and
- (c) Article 4 of that Decision (which is concerned with contaminated consignments).

(5) Each feed authority and each food authority must give such assistance and information to the National Assembly for Wales and the Food Standards Agency as they may reasonably request in connection with the execution and enforcement of these Regulations.

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

(2) OJ No. L100, 8.4.2006, p.3.

(3) 1984 c.22; section 7(3)(d) was substituted by paragraph 27 of Schedule 3 to the Food Safety Act 1990.

(4) 1936 c.49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

Application of various provisions of the Food Safety Act 1990

5. The following provisions of the Food Safety Act 1990 apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof must be construed as a reference to these Regulations -

- (a) section 20 (offences due to fault of another person);
- (b) section 21(1) (defence of due diligence)(1), with the modification that subsections (2) to (4) apply in relation to an offence under regulation 3(2) as they apply in relation to an offence under section 14 or 15, that in subsections (2)(a) and (3)(b) the references to "food" are deemed to be references to feed or food and that in subsection (4)(b) the references to "sale or intended sale" are deemed to be references to "first placing on the market";
- (c) section 32 (powers of entry), with the modification that in subsection (1) the reference to "an enforcement authority" is deemed to be a reference to a feed authority or a food authority and the reference to "a food authority" is deemed to be a reference to a feed authority or a food authority;
- (d) section 33(1) (obstruction etc. of officers);
- (e) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b) above" is deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (d);
- (f) section 35(1) (punishment of offences)(2), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (d);
- (g) section 35(2) and (3)(3), in so far as it relates to offences under section 33(2) as applied by sub-paragraph (e);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships)(4); and
- (j) section 44 (protection of officers acting in good faith), with the modification that the references to "food authority" are deemed to be references to feed authority or food authority.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

8 November

D. Elis Thomas

The Presiding Officer of the National Assembly

(1) Section 21 was amended by S.I. 2004/3279.

(2) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c.44), Schedule 26, paragraph 42, from a date to be appointed.

(3) Section 35(3) was amended by S.I. 2004/3279.

(4) Section 36A was inserted by the Food Standards Act 1999 (1999 c.28), Schedule 5, paragraph 16.

(5) 1998 c.38.

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