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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1795**

**The Food Irradiation (Wales) Regulations 2009**

**Interpretation**

**3.—(1) In these Regulations—**

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

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

“approval” (“*cymeradwyaeth*”) includes a licence;

“approved” (“*a gymeradwywyd*”, “*wedi'i gymeradwyo*”, “*wedi'u cymeradwyo*”) includes “licensed” (“*trwyddedig*”, “*wedi'i drwyddedu*”);

“import” (“*mewnforio*”) means to introduce from [<sup>F1</sup>outside the United Kingdom];

“ionising radiation” (“*ymbelydredd ìoneiddio*”) means any gamma rays, X-rays or corpuscular radiations which are capable of producing ions either directly or indirectly;

“irradiated” (“*a arbelydrir*”, “*a arbelydrwyd*”, “*arbelydrwyd*”, “*cael ei arbelydru*”, “*wedi'i arbelydru*”) means treated by ionising radiation, and similar expressions must be construed accordingly;

“licence” (“*trwydded*”) save in regulation 7(a)(ii)(bb) means a licence granted by the Agency in accordance with Schedule 2 to a person and a facility to irradiate food and “licensed” (“*ei drwyddedu*”, “*trwyddedig*”, “*wedi'i drwyddedu*”) and “licensee” (“*trwyddedai*”) must be construed accordingly;

“official reference number” (“*Rhif cyfeirnod swyddogol*”) in relation to a facility in a Member State means [<sup>F2</sup>the number shown for it in the list in Schedule 3] ;

“sell” (“*gwerthu*”) includes possess, offer, expose and advertise for sale, and “sale” (“*gwerthu*”) must be construed accordingly.

**(2) For the purposes of these Regulations—**

(a) “properly irradiated food” (“*bwyd a arbelydrwyd yn briodol*”) means food which—

(i) was either irradiated alone or as part of a batch of food in which each item was food which fell within the same permitted category of food; and

(ii) has not been over-irradiated,

and “proper irradiation” (“*arbelydru priodol*”) must be construed accordingly;

(b) food falls within a permitted category of food when (excluding the weight of any added water) no less than 98 per cent of it by weight falls within that category, and “item” (“*eitem*”), in relation to a batch of food, means each item within that batch intended to be capable of being sold individually;

(c) the permitted categories of food are—

(i) fruit;

(ii) vegetables;

(iii) cereals;

- (iv) bulbs and tubers;
- (v) dried aromatic herbs, spices and vegetable seasonings;
- (vi) fish and shellfish; and
- (vii) poultry;
- (d) in the permitted categories of food—
  - (i) “fruit” (“*ffrwythau*”) includes but is not limited to fungi, tomatoes and rhubarb;
  - (ii) “vegetables” (“*llysiau*”) excludes fruit, cereals, bulbs and tubers and dried aromatic herbs, spices and vegetable seasonings but includes pulses;
  - (iii) “bulbs and tubers” (“*bylbiau a chloron*”) means potatoes, yams, onions, shallots and garlic;
  - (iv) “fish and shellfish” (“*pysgod a physgod cregyn*”) includes but is not limited to eels, crustaceans and molluscs; and
  - (v) “poultry” (“*dofednod*”) means domestic fowls, geese, ducks, guinea fowls, pigeons, quails and turkeys;
- (e) food has been over-irradiated either when the overall average dose of ionising radiation absorbed by it, measured in accordance with Schedule 1, exceeds, in the case of—
  - (i) fruit, 2 kGy;
  - (ii) vegetables, 1 kGy;
  - (iii) cereals, 1 kGy;
  - (iv) bulbs and tubers, 0.2 kGy;
  - (v) dried aromatic herbs, spices and vegetable seasonings, 10 kGy;
  - (vi) fish and shellfish, 3 kGy; or
  - (vii) poultry, 7 kGy,
 or where one of the circumstances described in paragraph (3) applies.
- (3) The circumstances are that the maximum dose of ionising radiation absorbed by the food, or by any food in the same batch, measured in accordance with Schedule 1, is—
  - (a) more than three times the minimum dose absorbed by it; or
  - (b) more than 1.5 times the overall average dose specified for the food in paragraph (2)(e).

#### Textual Amendments

- F1** Words in [reg. 3\(1\)](#) substituted (31.12.2020) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(3), [8\(2\)\(a\)](#)
- F2** Words in [reg. 3\(1\)](#) substituted (31.12.2020) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(3), [8\(2\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Irradiation (Wales) Regulations 2009, Section 3.