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WELSH STATUTORY INSTRUMENTS

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**2012 No. 1765 (W.225)**

**FOOD, WALES**

**The Food Hygiene (Wales)  
(Amendment) (No. 2) Regulations 2012**

<i>Made</i>	- - - -	<i>4 July 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>6 July 2012</i>
<i>Coming into force</i>	- -	<i>30 July 2012</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 16(1)(e) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(2)</sup>.

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food<sup>(3)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for any reference to an EU instrument defined in Schedule 1 to be construed in accordance with regulation 2(3) as a reference to that instrument as amended from time to time.

In accordance with section 48(4A) of the Food Safety Act 1990 the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency. 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>(4)</sup> there has been open and transparent public consultation during the preparation of the following Regulations.

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- (1) 1990 c. 16. Functions 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) and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).
- (2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c. 51).
- (3) S.I. 2005/1971. By virtue of section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers.
- (4) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny—Part Four (OJ No. L188, 18.7.2009, p.14).