WELSH STATUTORY INSTRUMENTS

2012 No. 1765 (W.225)

FOOD, WALES

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

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

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(1) and section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

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(3).

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(4) 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.

Title and commencement

1. The title of these Regulations is the Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2012 and they come into force on 30 July 2012.

Amendments to the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006(5) are amended in accordance with paragraphs (2) to (6).

(2) In paragraph (1) of regulation 2 (interpretation) for the references to the EU instruments appearing immediately after the definition of “premises” substitute the following references—


(3) Immediately after paragraph (5) of regulation 2 insert the following paragraph—

“(6) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any annex to it may be amended from time to time.”

(4) Immediately after regulation 32 (restrictions on the sale of raw milk intended for direct human consumption and amendments to the Food Labelling Regulations 1996) insert the following regulation—

“Special health mark

32A. The special health mark referred to in paragraph 9 of Chapter VI of Section I of Annex III to Regulation 853/2004 and paragraph 7 of Chapter III of Section I of Annex I to Regulation 854/2004 must conform with Schedule 6A.”

(5) For Schedule 1 (definitions of EU Legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

(6) Immediately after Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) insert the Schedule set out in Schedule 2 to these Regulations.

4 July 2012

Lesley Griffiths
Minister for Health and Social Services, one of the Welsh Ministers
SCHEDULE 1

REGULATION 2(5)

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE FOOD HYGIENE (WALES) REGULATIONS 2006

“SCHEDULE 1

DEFINITIONS OF EU LEGISLATION

“Decision 2006/766” ("Penderfyniad 2006/766") means Commission Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted (6) as last amended by Decision 2011/131;

“Decision 2011/131” ("Penderfyniad 2011/131") means Commission Decision 2011/131/EU amending Annexe II to Decision 2006/766/EC as regards the inclusion of Fiji in the list of third countries and territories from which imports of fishery products for human consumption are permitted (7);


(7) OJ No. L53, 26.2.2011, p.73.
verification of compliance with feed and food law, animal health and animal welfare rules(13) as last amended by Regulation 880/2011 and as read with Regulation 2074/2005, Regulation 669/2009 and Regulation 1162/2009;


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regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny — Part Four(21) as last amended by Regulation 1169/2011;


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(22) OJ No. L194, 25.7.2009, p.11.
(24) OJ No. L196, 28.7.2011, p.3.
sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden (30);


SCHEDULE 2

SCHEDULE TO BE INSERTED IMMEDIATELY AFTER SCHEDULE 6 TO THE FOOD HYGIENE (WALES) REGULATIONS 2006

“SCHEDULE 6A

THE SPECIAL HEALTH MARK

1. The special health mark must consist of a square mark containing in legible form the following characters:
   — on the upper part, the letters “UK”;
   — in the centre, the approval number of the premises; and
   — on the lower part, the letter “N”.

2. When applied to carcasses, the special health mark must measure 5.5 cm by 5.5 cm and contain letters 0.8 cm high and figures 1 cm high. The dimensions and characters of the mark may be reduced for health marking of lamb, kids and piglets.”

1. These Regulations amend the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W.5), as already amended) (“the 2006 Regulations”) by updating the definitions of certain EU instruments that are referred to in those Regulations and providing that a reference to those EU instruments is to be a reference to them as any annex to them is amended from time to time.

2. These Regulations amend the 2006 Regulations to update the definitions of certain EU instruments by—
   (a) substituting definitions of certain EU instruments for the definitions of the EU instruments that currently appear after the definition of “premises” in paragraph (1) of regulation 2 (interpretation) (regulation 2(2));
   (b) adding a provision that any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any annex to it is amended from time to time (regulation 2(3)); and
   (c) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (regulation 2(5)).

3. In addition, these Regulations specify the form and size of the special health mark to be applied to meat derived from animals that have undergone emergency slaughter outside the slaughterhouse (regulation 2(4) and (6) and Schedule 2).

4. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.