
WELSH STATUTORY INSTRUMENTS

2016 No. 1130

The Caseins and Caseinates (Wales) Regulations 2016

Title, application and commencement

- 1.—(1) The title of these Regulations is the Caseins and Caseinates (Wales) Regulations 2016.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 22 December 2016.

Commencement Information

- II** [Reg. 1](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Interpretation

2. In these Regulations—

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

“casein product” (“*cynnyrch casein*”) means edible acid casein, edible caseinate or edible rennet casein;

“edible acid casein” (“*casein asid bwyttadwy*”) means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk and complying with the standards set out in Schedule 1;

“edible caseinate” (“*caseinad bwyttadwy*”) means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying and complying with the standards set out in Schedule 2;

“edible rennet casein” (“*casein cywair llaeth bwyttadwy*”) means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes and complying with the standards set out in Schedule 3;

“FIC” (“*FIC*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004⁽¹⁾;

“food business operator” (“*gweithredydd busnes bwyd*”) has the meaning given in Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“Regulation (EC) No 1332/2008” (“*Rheoliad (EC) Rhif 1332/2008*”) means Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes and amending

(1) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

Council [Directive 83/417/EEC](#), Council Regulation (EC) No 1493/1999, [Directive 2000/13/EC](#), Council [Directive 2001/112/EC](#) and Regulation (EC) No 258/97(2);

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

Commencement Information

I2 [Reg. 2](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Scope

3. These Regulations apply to caseins and caseinates intended for sale for human consumption.

Commencement Information

I3 [Reg. 3](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Restriction on the use of caseins and caseinates in the preparation of food

4.—(1) No person may use any casein or caseinate in the preparation of food if it does not comply with the standards set out in Schedule 4.

(2) A person marketing caseins or caseinates which do not comply with paragraph (1), for a purpose other than the caseins or caseinates being used in the preparation of food, must indicate explicitly or by clear implication the nature, quality or intended use of the product.

Commencement Information

I4 [Reg. 4](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

General restriction on marketing of casein products

5.—(1) No person may sell any food with a label, whether or not attached to or printed on the package or container, which includes the name of any casein product unless the requirements set out in paragraph (4) are complied with.

(2) No person may display with any food offered or exposed for sale by that person any ticket or notice which includes the name of any casein product unless the requirements set out in paragraph (4) are complied with.

(3) No person may publish, or be a party to the publication of, any advertisement for food which includes the name of a casein product unless the requirements set out in paragraph (4) are complied with.

(4) The requirements are that—

- (a) the food is or contains a casein product; or
- (b) the name is used in such a context as to indicate explicitly or by clear implication that the food is not a casein product and does not contain one.

Commencement Information

15 Reg. 5 in force at 22.12.2016, see [reg. 1\(3\)](#)

Labelling of casein products

6.—(1) Without prejudice to the provisions of FIC, no person may sell any casein product unless it is marked or labelled with—

- (a) the name of that casein product as defined in regulation 2 and in the case of edible caseinates with an indication of the cation or cations listed in paragraph 4 of Schedule 2;
- (b) in the case of casein products sold as mixtures—
 - (i) the words “mixture of” followed by the names of the casein products which make up the mixture, in descending order of weight;
 - (ii) an indication of the cation or cations listed in paragraph 4 of Schedule 2 in the case of edible caseinates;
 - (iii) in the case of mixtures containing edible caseinates, the protein content;
- (c) the net quantity of the casein product, expressed in kilograms or grams;
- (d) the name or business name and the address of the food business operator under whose name or business name the product is marketed or, if that food business operator is not established in ^{F1}the United Kingdom, the importer into the United Kingdom];
- (e) in the case of a casein product imported from ^{F2}a third country], the name of the country of origin; and
- (f) the lot identification of the casein product or the date of production.

(2) The particulars required by paragraph (1) must be easily visible, clearly legible, indelible and given in English, either exclusively or in addition to any other language.

(3) The particulars referred to in paragraph (1)(b)(iii), (c), (d) and (e) may be given in a document accompanying the product.

(4) Without prejudice to the provisions of FIC, where any casein product exceeds the minimum milk protein content set out for that product in—

- (a) entry 2 of the table in paragraph 1 of Schedule 1 in relation to edible acid caseins;
- (b) entry 2 of the table in paragraph 1 of Schedule 2 in relation to edible caseinates; or
- (c) entry 2 of the table in paragraph 1 of Schedule 3 in relation to edible rennet casein,

a person may mark that fact on the package, label or container of that product.

(5) Where a casein product that is marked or labelled with “edible acid casein” in accordance with paragraph (1)(a) is marked or labelled in Welsh in addition to English, the words “casein asid bwytdwy” must be used.

(6) Where a casein product that is marked or labelled with “edible caseinate” in accordance with paragraph (1)(a) is marked or labelled in Welsh in addition to English, the words “caseinad bwytdwy” must be used.

(7) Where a casein product that is marked or labelled with “edible rennet casein” in accordance with paragraph (1)(a) is marked or labelled in Welsh in addition to English, the words “casein cywair llaeth bwytdwy” must be used.

(8) Where a casein product that is marked or labelled with “mixture of” in accordance with (1)(b)(i) is marked or labelled in Welsh in addition to English, the words “cymysgedd o” must be used

followed by the names of the casein products which make up the mixture, in descending order of weight.

[^{F3}(9) In this regulation, “third country” means any country other than the British Islands.]

Textual Amendments

- F1** Words in [reg. 6\(1\)\(d\)](#) 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\(3\)](#), [15\(2\)\(a\)\(i\)](#)
- F2** Words in [reg. 6\(1\)\(e\)](#) 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\(3\)](#), [15\(2\)\(a\)\(ii\)](#)
- F3** [Reg. 6\(9\)](#) inserted (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\(3\)](#), [15\(2\)\(b\)](#)

Commencement Information

- I6** [Reg. 6](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Enforcement

7. It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

Commencement Information

- I7** [Reg. 7](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Application and modification of provisions of the Act

8.—(1) Section 10(1) and (2) of the Act (improvement notices) applies for the purposes of these Regulations with the modification (in the case of section 10(1)) set out in Part 1 of Schedule 5 for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring that person to comply with any of the provisions of regulations 4, 5 or 6; and
- (b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) The provisions of the Act specified in column 1 of the table in Part 2 of Schedule 5 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.

(3) Paragraphs (1) and (2) are without prejudice to the application of the Act to these Regulations for purposes other than those specified in paragraph (1).

Commencement Information

- I8** [Reg. 8](#) in force at 22.12.2016, see [reg. 1\(3\)](#)

Revocations

9. The following Regulations are revoked—

- (a) The Caseins and Caseinates Regulations 1985(3);
- (b) The Caseins and Caseinates (Amendment) Regulations 1989(4).

Commencement Information

19 Reg. 9 in force at 22.12.2016, see [reg. 1\(3\)](#)

[^{F4}Transitional provision: withdrawal from the EU

10.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with regulation 6(1)(d) or (e) if—

- (a) the improvement notice would relate to a product that was placed on the market [^{F5}before 1 January 2024]; and
- (b) the matter constituting the alleged failure to comply would not have constituted a failure to comply with regulation 6(1)(d) or (e) (as the case may be) as those provisions had effect immediately before IP completion day.

(2) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 8.]

Textual Amendments

F4 Reg. 10 inserted (14.4.2021) by [The Food, Animal Feed and Seeds \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/371\)](#), regs. 1(2), **8**

F5 Words in [reg. 10\(1\)\(a\)](#) substituted (30.9.2022) by [The Food Information \(Amendment of Transitional Provisions\) \(Wales\) Regulations 2022 \(S.I. 2022/939\)](#), regs. 1(2), **10**

Rebecca Evans
Minister for Social Services and Public Health
under authority of the Cabinet Secretary for
Health, Well-being and Sport, one of the Welsh
Ministers

(3) S.I. 1985/2026.

(4) S.I. 1989/2321.

Changes to legislation:

There are currently no known outstanding effects for the The Caseins and Caseinates (Wales) Regulations 2016.