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STATUTORY INSTRUMENTS

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**2019 No. 860**

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019

PART 3

Amendment of retained direct EU legislation

**Amendment to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC**

132. Insert a new Article 21A—

*“Article 21A*

*Regulations and devolved powers*

1. Any power to make regulations under this Regulation—
  - (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
  - (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;
  - (c) so far as exercisable by the Northern Ireland devolved authority is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(1)</sup> (and not by statutory instrument)<sup>(2)</sup>.
2. Any power to make regulations under this Regulation includes power—
  - (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
  - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
3. Any statutory instrument, Scottish statutory instrument or statutory rule containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
  - (a) in the case of England, of either House of Parliament;
  - (b) in the case of Wales, of the National Assembly for Wales;
  - (c) in the case of Scotland, of the Scottish Parliament;

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<sup>(1)</sup> S.I. 1979/1573, N.I. 12.

<sup>(2)</sup> For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

- (d) in the case of Northern Ireland, being a negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954(3).
4. In this Regulation, any power—
- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
  - (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
  - (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;
  - (d) of the Northern Ireland devolved authority to make regulations is limited to regulations which apply in relation to Northern Ireland only.”