
STATUTORY INSTRUMENTS

1991 No. 1476

FOOD

The Food Safety (Exports) Regulations 1991

<i>Made</i>	- - - -	<i>20th June 1991</i>
<i>Laid before Parliament</i>		<i>5th July 1991</i>
<i>Coming into force</i>	- -	<i>26th July 1991</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 16(1), (2) and (3), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the Following Regulations:—

Title and commencement

1. These Regulations may be cited as the Food Safety (Exports) Regulations 1991 and shall come into force on 26th July 1991.

Amendment of existing food related Regulations

2.—(1) After the last regulation in each of the Regulations specified in columns 1 and 2 of Schedules 1 and 2 to these Regulations there shall be inserted the following regulation numbered sequentially—

“Defences in relation to exports

In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food in respect of which the offence is alleged to have been committed—

- (a) was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence ; or
- (b) was intended for export and was prepared and labelled for sale before 26th July 1991.”.

(2) The provisions of the Regulations, if any, specified in column 3 of Schedules 1 and 2 to these Regulations shall be revoked.

(1) 1990 c. 16.

Amendment of the Materials and Articles in Contact with Food Regulations 1987

3.—(1) After the last regulation in the Materials and Articles in Contact with Food Regulations 1987(2) there shall be inserted the following regulation numbered sequentially—

“Defences in relation to exports

In any proceedings under these Regulations it shall be a defence for the person charged to prove that the material or article in respect of which the offence is alleged to have been committed—

- (a) was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence ; or
 - (b) was intended for export and was prepared and labelled for sale before 26th July 1991.”.
- (2) Regulation 3(c) of those Regulations shall be revoked.

In witness thereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th June 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

18th June 1991

Stephen Dorrell
Parliamentary Under-Secretary of State,
Department of Health

18th June 1991

David Hunt
Secretary of State for Wales

19th June 1991

Strathclyde
Parliamentary Under-Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 2

AMENDMENTS TO REGULATIONS APPLYING TO
ENGLAND AND WALES AND GREAT BRITAIN

PART I:

ENGLAND AND WALES

<i>Column 1</i> <i>S.I.No.</i>	<i>Column 2</i> <i>Title</i>	<i>Column 3</i> <i>Provisions Revoked</i>
1959/831(3)	The Arsenic in Food Regulations 1959	
1960/2331(3)	The Skimmed Milk with Non-Milk Fat Regulations 1960	Regulation 2(2)(b)
1964/760(3)	The Soft Drinks Regulations 1964	Regulation 4(1)(a)
1966/1073(3)	The Mineral Hydrocarbons in Food Regulations 1966	Regulation 3(1)(h)
1966/1074(3)	The Butter Regulations 1966	Regulation 3(a)
1967/1582(3)	The Solvents in Food Regulations 1967	Regulation 3
1967/1866(3)	The Ice-Cream Regulations 1967	Regulation 3(a)
1967/1867(3)	The Margarine Regulations 1967	Regulation 3(a)
1970/94(3)	The Cheese Regulations 1970	Regulation 3(a)
1970/752(3)	The Cream Regulations 1970	Regulation 3(a)
1973/1340(3)	The Colouring Matter in Food Regulations 1973	Regulation 3(a)
1976/509(3)	The Specified Sugar Products Regulations 1976	Regulation 3(a)
1976/541(3)	The Cocoa and Chocolate Products Regulations 1976	Regulation 3(a)

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- (3) To which there are amendments not relevant to these Regulations.
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<i>Column 1</i> <i>S.I.No.</i>	<i>Column 2</i> <i>Title</i>	<i>Column 3</i> <i>Provisions Revoked</i>
1976/1832(3)	The Honey Regulations 1976	Regulation 3(a)
1976/1883(3)	The Drinking Milk Regulations 1976	Regulation 3
1977/691(3)	The Erucic Acid in Food Regulations 1977	Regulation 3(a)
1977/927(3)	The Fruit Juices and Fruit Nectars Regulations 1977	Regulation 3(1)(a)
1977/928(3)	The Condensed Milk and Dried Milk Regulations 1977	Regulation 3(1)(b)
1978/105(3)	The Antioxidants in Food Regulations 1978	Regulation 3
1978/142(3)	The Coffee and Coffee Products Regulations 1978	Regulation 3(a)
1979/1254(3)	The Lead in Food Regulations 1979	Regulation 3(b)
1980/36(3)	The Chloroform in Food Regulations 1980	Regulation 3(1)(a)
1980/1834(3)	The Miscellaneous Additives in Food Regulations 1980	Regulation 3
1981/1063(3)	The Jam and Similar Products Regulations 1981	Regulation 3(1)(b) except for the word “or” at the end
1983/1212(3)	The Sweeteners in Food Regulations 1983	The word “or” at the end of regulation 3(a), and regulation 3(b)
1983/1508(3)	The Milk-based Drinks (Hygiene and Heat) Treatment Regulations 1983	Regulation 4
1983/1509(3)	The Milk and Dairies (Heat Treatment of Cream) Regulations 1983	Regulation 3

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1984/1304(3)	The Bread and Flour Regulations 1984	Regulation 3(b)
1984/1305(3)	The Food Labelling Regulations 1984	Regulation 3(2)(b) except for the word “or” at the end
1984/1566(3)	The Meat Products and Spreadable Fish Products Regulations 1984	Regulation 3(2)(b)
1985/2026(3)	The Caseins and Caseinates Regulations 1985	Regulation 3(c)
1988/2206(3)	The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988	In paragraph 1 of Schedule 4, the words from “unless” to “the United Kingdom” inclusive
1989/533(3)	The Preservatives in Food Regulations 1989	Regulation 3
1989/876(3)	The Emulsifiers and Stabilisers in Food Regulations 1989	Regulation 3
1989/2383(4)	The Milk (Special Designation) Regulations 1989	In Schedule 2, paragraph C4(b) the words from “unless” to “the United Kingdom” inclusive; In Part I of Schedule 4, paragraph A6(3) the words from “unless” to “the United Kingdom” inclusive; In Part II of Schedule 4, paragraph A5 the words from “unless” to “the United Kingdom” inclusive; In Part III of Schedule 4, paragraph A5(3) the words from “unless” to “the United Kingdom” inclusive.

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 - (4) Amended by S.I. 1990/2487, 2492.

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**PART II:
GREAT BRITAIN**

<i>Column 1 S.I. No.</i>	<i>Column 2 Title</i>	<i>Column 3 Provisions Revoked</i>
1985/71(3)	The Natural Mineral Waters Regulations 1985	Regulation 3(1)(a); in regulation 3(2) the words “or for export to any other place within the European Economic Community”

SCHEDULE 2

Regulation 2

AMENDMENT TO REGULATIONS APPLYING TO SCOTLAND

<i>Column 1 S.I. No.</i>	<i>Column 2 Title</i>	<i>Column 3 Provisions Revoked</i>
1960/2437(3)	The Skimmed Milk with Non-Milk Fat (Scotland) Regulations 1960	Regulation 2(2)(b)
1964/767(3)	The Soft Drinks (Scotland) Regulations 1964	Regulation 5(1)(a)
1966/1255(3)	The Butter (Scotland) Regulations 1966	Regulation 4(a)
1966/1263(3)	The Mineral Hydrocarbons in Food (Scotland) Regulations 1966	Regulation 4(1)(h)
1968/263(3)	The Solvents in Food (Scotland) Regulations 1968	Regulation 4
1970/108(3)	The Cheese (Scotland) Regulations 1970	Regulation 3(a)
1970/1191(3)	The Cream (Scotland) Regulations 1970	Regulation 3(a)
1970/1285(3)	The Ice-Cream (Scotland) Regulations 1970	Regulation 3(a)

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1970/1286(3)	The Margarine (Scotland) Regulations 1970	Regulation 3(a)
1973/1310(3)	The Colouring Matter in Food (Scotland) Regulations 1973	Regulation 3(a)
1976/914(3)	The Cocoa and Chocolate Products (Scotland) Regulations 1976	Regulation 3(a)
1976/946(3)	The Specified Sugar Products (Scotland) Regulations 1976	Regulation 3(a)
1976/1818(3)	The Honey (Scotland) Regulations 1976	Regulation 3(a)
1976/1888(3)	The Drinking Milk (Scotland) Regulations 1976	Regulation 3
1977/1026(3)	The Fruit Juices and Fruit Nectars (Scotland) Regulations 1977	Regulation 3(1)(a)
1977/1027(3)	The Condensed Milk and Dried Milk (Scotland) Regulations 1977	Regulation 3(1)(b)
1977/1028(3)	The Erucic Acid in Food (Scotland) Regulations 1977	Regulation 3(a)
1978/492(3)	The Antioxidants in Food (Scotland) Regulations 1978	Regulation 3
1979/383(3)	The Coffee and Coffee Products (Scotland) Regulations 1979	Regulation 3(a)
1979/1641(3)	The Lead in Food (Scotland) Regulations 1979	The word “or” at the end of regulation 3(a), and regulation 3(b)
1980/289(3)	The Chloroform in Food (Scotland) Regulations 1980	Regulation 3(1)(a)

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1980/1889(3)	The Miscellaneous Additives in Food (Scotland) Regulations 1980	Regulation 3
1981/1320(3)	The Jam and Similar Products (Scotland) Regulations 1981	Regulation 3(1)(b) except for the word “or” at the end
1983/938(3)	The Milk Labelling (Scotland) Regulations 1983	Regulation 3(1)(b)
1983/1497(3)	The Sweeteners in Food (Scotland) Regulations 1983	The word “or” at the end of regulation 3(a), and regulation 3(b)
1983/1514(3)	The Milk-based Drinks (Scotland) Regulations 1983	Regulation 4(b)
1983/1515(3)	The Cream (Heat Treatment) (Scotland) Regulations 1983	Regulation 3(b)
1984/1518(3)	The Bread and Flour (Scotland) Regulations 1984	Regulation 3(b)
1984/1519(3)	The Food Labelling (Scotland) Regulations 1984	Regulation 3(2)(b) except for the word “or” at the end
1984/1714(3)	The Meat Products and Spreadable Fish Products (Scotland) Regulations 1984	Regulation 3(2)(b)
1986/836(3)	The Caseins and Caseinates (Scotland) Regulations 1986	Regulation 3(c)
1989/581(3)	The Preservatives in Food (Scotland) Regulations 1989	Regulation 3
1989/945(3)	The Emulsifiers and Stabilisers in Food (Scotland) Regulations 1989	Regulation 3

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Articles 2 and 3 of Council Directive No. [89/397/EEC](#) (OJ No. L186, 30.6.89, p.23), on the approximation of the laws of the Member States relating to food and materials and articles intended to come into contact with food, as read with the ninth recital to that Directive.

The Regulations replace provisions excluding food destined for export from each of the Regulations (except the Arsenic in Food Regulations 1959) listed in Schedules 1 and 2 by a defence relating to offences under those Regulations. The defence is available to a person who proves that the food, in respect of which the offence is alleged to have been committed, was intended for export and complied with the importing country's legislation. There is a transitional provision to cover food intended for export which has been prepared and labelled for sale before 26th July 1991, when the Regulations come into force. The Regulations replace an export exclusion by a similar defence and transitional provision in the Materials and Articles in Contact with Food Regulations 1987, as amended.

The Regulations also add a similar defence and transitional provision to the Arsenic in Food Regulations 1959.