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STATUTORY INSTRUMENTS

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**1996 No. 1499**

**The Food Labelling Regulations 1996**

**PART V**

**REVOCATIONS, AMENDMENTS AND TRANSITIONAL PROVISION**

**Revocations and amendments**

**49.**—(1) The Regulations specified in Columns 1 and 2 of Schedule 9 shall be revoked to the extent specified in Column 3 of that Schedule.

(2) In the Specified Sugar Products Regulations 1976(1), in paragraph (1) of regulation 2 (interpretation), for the definition of “sugar confectionery” there shall be substituted the following definition—

““sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;”

(3) In the Specified Sugar Products (Scotland) Regulations 1976(2), in paragraph (1) of regulation 2 (interpretation), for the definition of “sugar confectionery” there shall be substituted the following definition—

““sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;”

(4) In paragraph 2(c) of regulation 7 (declaration of the presence of certain ingredients in chocolate products) of both—

(a) the Cocoa and Chocolate Products Regulations 1976(3), for the words “regulation 22 of the Labelling of Food Regulations 1970, as amended”, and

(b) the Cocoa and Chocolate Products (Scotland) Regulations 1976(4), for the words “regulation 22 of the Labelling of Food (Scotland) Regulations 1970, as amended”,

there shall be substituted the words “regulations 40 and 41 of, as read with items 4 and 5 of Part II of Schedule 6 to, the Food Labelling Regulations 1996”.

(5) In both the Fruit Juices and Fruit Nectars Regulations 1977(5) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977(6) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

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(1) S.I. 1976/509; relevant amendment is S.I. 1980/1849.

(2) S.I. 1976/946; relevant amendment is S.I. 1981/137.

(3) S.I. 1976/541, to which there are amendments not relevant to these Regulations.

(4) S.I. 1976/914, to which there are amendments not relevant to these Regulations.

(5) S.I. 1977/927; relevant amendments are S.I. 1982/1311 and 1991/1284.

- (a) in—
- (i) paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, and
  - (ii) paragraph (9) of regulation 7 (miscellaneous labelling),
- for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations, and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations, there shall be substituted the words “Food Labelling Regulations 1996”;
- (b) in—
- (i) paragraph (1) of regulation 4 (name of the food),
  - (ii) regulation 6 (list of ingredients), and
  - (iii) paragraph (7)(b)(iii) of regulation 7,
- for the words “Food Labelling Regulations 1980” in the English and Welsh Regulations, and the words “Food Labelling (Scotland) Regulations 1981” in the Scottish Regulations, there shall be substituted the words “Food Labelling Regulations 1996”;
- (c) in paragraph (8) of regulation 7, for sub-paragraph (d) there shall be substituted the following sub-paragraph—
- “(d) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”
- , and
- (d) in regulation 8 (manner of marking or labelling)—
- (i) for the words “Regulation 31 to 33 of the Food Labelling Regulations 1980” at the beginning of that regulation, and the words “Food Labelling Regulations 1980” at the end of that regulation, in the English and Welsh Regulations, and
  - (ii) for the words “Regulation 31 to 33 of the Food Labelling (Scotland) Regulations 1981” at the beginning of that regulation, and the words “Food Labelling (Scotland) Regulations 1981” at the end of that regulation, in the Scottish Regulations,
- there shall be substituted, at the beginning of that regulation, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that regulation, the words “Food Labelling Regulations 1996”.
- (6) In both the Condensed Milk and Dried Milk Regulations 1977(7) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Condensed Milk and Dried Milk (Scotland) Regulations 1977(8) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—
- (a) in paragraph (1) of regulation 5 (labelling and description of condensed milk and dried milk products for retail sale)—
- (i) for the words “Food Labelling Regulations 1984” in the first place that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling Regulations 1984”, in the English and Welsh Regulations, and
  - (ii) for the words “Food Labelling (Scotland) Regulations 1984” in the first place that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling (Scotland) Regulations 1984”, in the Scottish Regulations,

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(6) S.I. [1977/1026](#); relevant amendments are S.I. [1982/1619](#) and [1991/1284](#).

(7) S.I. [1977/928](#); relevant amending instrument is S.I. [1986/2299](#).

(8) S.I. [1977/1027](#); relevant amending instrument is S.I. [1987/26](#).

there shall be substituted, in the said first place, the words “Food Labelling Regulations 1996” and, in sub-paragraph (a), the words “regulation 6(1) of the Food Labelling Regulations 1996”;

- (b) in paragraph (1) of regulation 6 (manner of marking or labelling for retail sale)—
- (i) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and
  - (ii) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations.

there shall be substituted, at the beginning of that paragraph, the words “Regulations 35 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”, and

- (c) in paragraph (2) of regulation 6, for the words “regulation 21 of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 21 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.

(7) In both the Coffee and Coffee Products Regulations 1978<sup>(9)</sup> (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Coffee and Coffee Products (Scotland) Regulations 1979<sup>(10)</sup> (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

- (a) in paragraph (1) of regulation 5 (labelling and description of designated products for retail sale)—
- (i) for the words “Food Labelling Regulations 1984” in the first and last places that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling Regulations 1984”, in the English and Welsh Regulations, and
  - (ii) for the words “Food Labelling (Scotland) Regulations 1984” in the first and last places that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling (Scotland) Regulations 1984”, in the Scottish Regulations,

there shall be substituted, in the said first and last places, the words “Food Labelling Regulations 1996” and, in sub-paragraph (a), the words “regulation 6(1) of the Food Labelling Regulations 1996”;

- (b) in paragraph (1) of regulation 6 (manner of marking or labelling)—
- (i) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and
  - (ii) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations,

there shall be substituted, at the beginning of that paragraph, the words “Regulations 35 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”, and

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<sup>(9)</sup> S.I. 1978/1420; relevant amending instrument is S.I. 1987/1986.

<sup>(10)</sup> S.I. 1979/383; relevant amending instrument is S.I. 1987/2014.

- (c) in paragraph (2) of regulation 6, for the words “regulation 21 of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 21 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.
- (8) In both the Jam and Similar Products Regulations 1981(**11**) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Jam and Similar Products (Scotland) Regulations 1981(**12**) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—
- (a) in—
- (i) paragraph (1) of regulation 2 (interpretation), in the definitions of “additive”, “ingredient”, “labelling” and “prepacked”,
  - (ii) paragraph (1) of regulation 5 (name of the food),
  - (iii) paragraph (1) of regulation 7 (list of ingredients), and
  - (iv) sub-paragraph (c) of regulation 9 (field of vision),
- for the words “Food Labelling Regulations 1980” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1981” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;
- (b) in paragraph (1) of regulation 7A, for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;
- (c) in paragraph (7) of regulation 8 (miscellaneous labelling requirements), for sub-paragraph (c) there shall be substituted the following sub-paragraph—
- “(c) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”, and
- (d) in regulation 10 (manner of marking or labelling)—
- (i) for the words “Regulations 31 to 33 of the Food Labelling Regulations 1980” at the beginning of that regulation, and the words “Food Labelling Regulations 1980” at the end of that regulation, in the English and Welsh Regulations, and
  - (ii) for the words “Regulations 31 to 33 of the Food Labelling (Scotland) Regulations 1981” at the beginning of that regulation, and the words “Food Labelling (Scotland) Regulations 1981” at the end of that regulation, in the Scottish Regulations,
- there shall be substituted, at the beginning of that regulation, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that regulation, the words “Food Labelling Regulations 1996”.
- (9) In both the Meat Products and Spreadable Fish Products Regulations 1984(**13**) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984(**14**) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—
- (a) in paragraph (1) of regulation 2 (interpretation), after the definition of “prepacked” there shall be inserted the following definition—
- ““prepacked for direct sale” has the meaning assigned to it by the Food Labelling Regulations 1996;”;
- (b) in—

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(11) S.I. 1981/1063; relevant amending instruments are S.I. 1982/1700 and 1990/2085.

(12) S.I. 1981/1320; relevant amending instruments are S.I. 1982/1779 and 1990/2180.

(13) S.I. 1984/1566; relevant amending instrument is S.I. 1986/987.

(14) S.I. 1984/1714; relevant amending instrument is S.I. 1986/1288.

- (i) paragraph (1) of regulation 2 (interpretation), in the definitions of “catering establishment”, “ingredient”, “labelling”, “prepacked” and “ultimate consumer”;
- (ii) paragraph (1) of regulation 4 (restrictions on the use of certain names);
- (iii) paragraph (2) of regulation 5 (name of the food for certain meat products);
- (iv) paragraphs (2) and 6(c) of regulation 10 (miscellaneous provisions relating to declarations), and
- (v) paragraph (2)(c) of regulation 11 (lean meat content),

for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;

- (c) in paragraph (1) of regulation 6 (list of ingredients), for the words “regulation 15(1) of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 15(1) of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 14(1) of the Food Labelling Regulations 1996”;
- (d) in paragraph (1)(a) of regulation 10 the words “(within the meaning of regulation 24 of the Food Labelling Regulations 1984)” in the English and Welsh Regulations and the words “(within the meaning of regulation 24 of the Food Labelling (Scotland) Regulations 1984)” in the Scottish Regulations shall be deleted
- (e) in paragraph (4) of regulation 10—
  - (i) for the words “Regulations 32, 33 and 34 of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and
  - (ii) for the words “Regulations 32, 33 and 34 of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations,there shall be substituted, at the beginning of that paragraph, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”;
- (f) in paragraph (6) of regulation 10, for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”.

- (10) In paragraph (1) of regulation 5 (labelling of casein products) of both—
  - (a) the Caseins and Caseinates Regulations 1985(15), for the words “Food Labelling Regulations 1984”, and
  - (b) the Caseins and Caseinates (Scotland) Regulations 1985(16), for the words “Food Labelling (Scotland) Regulations 1984”,

there shall be substituted the words “Food Labelling Regulations 1996”.

(11) In the Quick-frozen Foodstuffs Regulations 1990(17), in paragraph (1) of regulation 2 (interpretation and scope), in the definitions of “catering establishment”, “prepackaging” and “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

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(15) S.I. 1985/2026, to which there are amendments not relevant to these Regulations.

(16) S.I. 1985/836, to which there are amendments not relevant to these Regulations.

(17) S.I. 1990/2615, to which there is an amendment not relevant to these Regulations.

(12) In the Food Premises (Registration) Regulations 1991(**18**), in paragraph (3) of regulation 1 (citation, commencement and interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

(13) In the Flavourings in Food Regulations 1992(**19**)—

- (a) in paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”;
- (b) in sub-paragraph (b) of paragraph 2 of Part I of Schedule 3 (requirements for sales), for the words “regulation 21 of the Food Labelling Regulations 1984 or, as appropriate, regulation 21 of the Food Labelling (Scotland) Regulations 1984” there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.

(14) In the Food Additives Labelling Regulations 1992(**20**)—

- (a) in regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”;
- (b) in paragraph 2(b)(iii) of Part I of Schedule 3 (requirement for sales)—
  - (i) for the words “neither regulation 21 of the Food Labelling Regulations 1984 nor regulation 21 of the Food Labelling (Scotland) Regulations 1984 applies” there shall be substituted the words—
 

“regulation 20 of the Food Labelling Regulations 1996 does not apply”, and
  - (ii) for the words “either regulation” there shall be substituted the words “that regulation”.

(15) In the Food Safety (Fishery Products) Regulations 1992(**21**), in Schedule 3 (requirements as to identification marks), for the words “Food Labelling (Amendment) Regulations 1990 and the Food Labelling (Amendment) (Irradiated Food) Regulations 1990” there shall be substituted the words “Food Labelling Regulations 1996”.

(16) In the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992(**22**), in Schedule 1 (marking of consignments), in paragraph 1, for the words “Food Labelling Regulations 1984 and subject to paragraph 4, All” there shall be substituted the words “Food Labelling Regulations 1996 and subject to paragraph 4, all”.

(17) In the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations 1992(**23**), in paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

(18) In the Egg Products Regulations 1993(**24**), in paragraph 1 of Schedule 10 (marking of egg products), for the words “Food Labelling Regulations 1984 and the Food Labelling (Scotland) Regulations 1984” there shall be substituted the words “Food Labelling Regulations 1996”.

(19) In the Meat Products (Hygiene) Regulations 1994(**25**), in paragraph (1) of regulation 2 (interpretation), for the definition of “the Food Labelling Regulations” there shall be substituted the following definition—

““the Food Labelling Regulations” means the Food Labelling Regulations 1996;”.

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(18) S.I. 1991/2825.

(19) S.I. 1992/1357.

(20) S.I. 1992/1971.

(21) S.I. 1992/1978.

(22) S.I. 1992/3163.

(23) S.I. 1992/3236.

(24) S.I. 1993/1520.

(25) S.I. 1994/3082.

(20) In both the Dairy Products (Hygiene) Regulations 1995<sup>(26)</sup> (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Dairy Products (Hygiene) (Scotland) Regulations 1995<sup>(27)</sup> (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in paragraph 2 of Part I (labelling) of, and paragraph 5 of Part II (health mark) of, Schedule 10 (labelling and health marking)—

(i) for the words “regulation 27 of the Food Labelling Regulations 1984” in the English and Welsh Regulations, and

(ii) for the words “regulation 27 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations,

there shall be substituted the words “regulation 26 of the Food Labelling Regulations 1996”, and

(b) in paragraph 3 of Part I of Schedule 10—

(i) for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations, and

(ii) for the words “Food Labelling (Scotland) Regulations 1984 or the Milk Labelling (Scotland) Regulations 1983, as the case may be” in the Scottish Regulations,

there shall be substituted the words “Food Labelling Regulations 1996”.

(21) In the Food Safety (Temperature Control) Regulations 1995<sup>(28)</sup>, in paragraph (1) of regulation 2 (interpretation)—

(a) for the definition of “shelf life” there shall be substituted the following definition—

““shelf life” means—

(a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996 (form of indication of minimum durability), the period up to and including the date required to be included in that indication;

(b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1995 (form of indication of “use by” date), the period up to and including that date;”, and

(b) in the definition of “special storage conditions” for the words “6(d) of the Food Labelling Regulations 1984” there shall be substituted the words “5(d) of the Food Labelling Regulations 1996”.

(22) In the Bread and Flour Regulations in paragraph (1) of regulation 2 (interpretation), in the definitions of “ingredient” and “labelling”, for the date “1984” there shall be substituted the date “1996”, and for the definition of “the labelling regulations” there shall be substituted the following definition—

““the labelling regulations” means the Food Labelling Regulations 1996;”.

### **Transitional provision**

**50.**—(1) Subject to the following paragraphs of this regulation, in any proceedings for an offence under these Regulations it shall be a defence to prove that—

(a) (i) the act was committed before 1st July 1997, or

(ii) the act was committed in relation to food prepacked before 1st July 1997; and

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<sup>(26)</sup> S.I. 1995/1086.

<sup>(27)</sup> S.I. 1995/1372.

<sup>(28)</sup> S.I. 1995/2200.

(b) the matters constituting the offence would not have constituted an offence under the Food Labelling Regulations 1984(29), the Food Labelling (Scotland) Regulations 1984(30), or the Milk Labelling (Scotland) Regulations 1983(31) or the Cheese and Cream Regulations 1995(32) if those Regulations had been in operation when the act was committed or the food was prepacked.

(2) In any proceedings for an offence under regulation 44(1)(a), as read with—

(a) regulation 14(4) and Schedule 3, or

(b) regulation 14(9) and Schedule 4,

paragraph (1) of this regulation shall be read as if for the date “1st July 1997” there were substituted, in both places where it occurs, the date “1st July 1996”.

(3) In any proceedings for an offence under regulation 44(1)(a) as read with regulation 33, paragraph (1) of this regulation shall be read as if for the date “1st July 1997” there were substituted the date “1st January 1997”.

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(29) S.I. 1984/1305, amended by S.I. 1985/71, 1987/1986, 1988/2112, 1989/768, 2321, 1990/607, 2488, 2489, 1992/1971, 1978, 1993/2759, 1994/804, 1486, 2127, 2782, 3144, 1995/77, 1086.

(30) S.I. 1984/1519, amended by S.I. 1984/1714, 1985/71, 1068, 1986/836, 1987/26, 2014, 1988/2084, 1989/809, 1990/1, 816, 2505, 2506, 2625, 1992/1971, 1978, 1993/2731, 1994/960, 1486, 2127, 1995/77.

(31) S.I. 1983/938, amended by S.I. 1985/1068, 1990/2508, 2625, 1995/1372.

(32) S.I. 1995/3240.