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STATUTORY INSTRUMENTS

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**2004 No.2601**

**FOOD, ENGLAND**

**The Miscellaneous Food Additives  
(Amendment) (England) Regulations 2004**

<i>Made</i>	- - - -	<i>5th October 2004</i>
<i>Laid before Parliament</i>		<i>8th October 2004</i>
<i>Coming into force</i>	- -	<i>29th October 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 16(1) (a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990<sup>(1)</sup> and now vested in him<sup>(2)</sup> and having had regard in accordance with section 48 (4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation both 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<sup>(3)</sup> and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

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(1) 1990 c. 16

(2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) and paragraphs 12 and 21 of that Schedule amend sections 17(1) and 48 of the 1990 Act. Functions of “the Ministers” 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 1999 Act and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) as read with section 40 (2) of the 1999 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(3) OJ No. L31, 1.2.2002, p.1.