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STATUTORY INSTRUMENTS

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**2004 No. 3279**

**FOOD**

**The General Food Regulations 2004**

*Made* - - - - *9th December 2004*  
*Laid before Parliament* *10th December 2004*  
*Coming into force* - - *1st January 2005*

The Secretary of State, in exercise of the powers conferred by sections 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and now vested in him<sup>(2)</sup>, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and, being a Minister designated<sup>(3)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(4)</sup> in relation to measures relating to food (including drink) including the primary production of food, in exercise (as respects regulations 8 to 16 of the following Regulations) of the powers conferred by the said section 2(2), after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council<sup>(5)</sup> 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, makes the following Regulations:

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- (1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990; section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.
- (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 paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28) and paragraphs 12 and 21 of that Schedule amend respectively sections 17(2) and 48 of the 1990 Act. Section 48 was also amended by S.I. 2004/2990. 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 (1998 c. 46) as read with section 40(2) of the 1999 Act. As regards functions transferred to the Scottish Ministers by the Scotland Act 1998 (1998 c. 46), these Regulations extend to Scotland pursuant to section 57(1) of that Act; and as regards functions transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), these Regulations apply in relation to Wales pursuant to paragraph 5 in Part II of Schedule 3 to the Government of Wales Act 1998 (c. 38).
- (3) S.I. 2003/2901.
- (4) 1972 c. 68.
- (5) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).