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STATUTORY INSTRUMENTS

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**2005 No. 12**

**FOOD**

**The Charges for Inspections and  
Controls (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>8th January 2005</i>
<i>Laid before Parliament</i>		<i>11th January 2005</i>
<i>Coming into force</i>	- -	<i>5th February 2005</i>

The Secretary of State in exercise of the powers conferred by sections 45 and 48(1)(b) and (c) of the Food Safety Act 1990(1) which are now vested in her(2);

After carrying out the consultation required by section 48(4) of that Act and having had regard, in accordance with section 48(4A) of that Act, to any relevant advice given by the Food Standards Agency;

And after carrying out the consultation 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(3);

Hereby makes the following Regulations:

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- (1) 1990 c. 16. Sections 45 and 48 were amended by section 40(1) of and Schedule 5 to the Food Standards Act 1999 (c. 28): paragraphs 7, 8 and 20 of that Schedule amended section 45 and paragraphs 7, 8 and 21 amended section 48.
- (2) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I.1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State.
- In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act. In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) but the Ministers of the Crown responsible retain a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38); that concurrent power became vested in the Secretary of State in consequence of section 40 of and Schedules 5 and 6 to the Food Standards Act 1999 (c. 28), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by regulation 13 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), to join in making regulations in relation to charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002.
- (3) OJNo. L23, 28.1.2000, p. 72.