
STATUTORY INSTRUMENTS

2005 No. 2626

**The Official Feed and Food Controls
(England) Regulations 2005**

PART 4

AMENDMENTS TO THE GENERAL FOOD REGULATIONS 2004

Amendments to the General Food Regulations 2004

41.—(1) The General Food Regulations 2004(1) shall be amended in accordance with paragraphs (2) to (5) in so far as they apply in relation to England.

(2) For regulation 4 (requirements under Regulation (EC) No. 178/2002 : offences) there shall be substituted the following Regulation —

“**4.** Any person who contravenes or fails to comply with any of the following provisions of Regulation (EC) No. 178/2002 shall be guilty of an offence —

- (a) Article 12 (food and feed exported from the Community) in so far as it relates to food;
- (b) Article 14(1) (food safety requirements);
- (c) Article 16 (presentation) in so far as it relates to food;
- (d) Article 18(2) or (3) (traceability) in so far as it relates to food business operators;
- (e) Article 19 (responsibilities for food : food business operators).”.

(3) For paragraph (2)(a) of regulation 5 (punishment of offences) there shall be substituted the following provision —

“(a) in the case of an offence under regulation 4(b), £20,000;”.

(4) For paragraph (1) of regulation 6 (enforcement) there shall be substituted the following paragraph —

“(1) Subject to paragraph (2), each food authority shall enforce and execute the following provisions of Regulation (EC) No. 178/2002 and these Regulations in its area —

- (a) Article 12 in so far as it relates to food;
- (b) Article 14;
- (c) Article 16 in so far as it relates to food;
- (d) Article 18 in so far as it relates to food business operators; and
- (e) Article 19.”.

(5) Immediately after regulation 6 (enforcement) there shall be inserted the following regulation —

“Defence for exports

6A. In any proceedings for an offence of contravening or failing to comply with food law it shall be a defence for the accused to prove —

- (a) that the item in respect of which the offence is alleged to have been committed was intended for export to a country that is not a member State and that the item could lawfully be exported there under Article 12 of Regulation (EC) No. 178/2002; or
- (b) that the item in respect of which the offence is alleged to have been committed was intended for export to a member State and that —
 - (i) the legislation applicable to that item in that member State is compatible with the applicable provisions of food law (except in so far as it relates to feed produced for or fed to food producing animals) at Community level, and
 - (ii) the item complies with that legislation.”.