
STATUTORY INSTRUMENTS

2009 No. 3235

FOOD

The Food Enzymes Regulations 2009

Made - - - - *7th December 2009*
Laid before Parliament *11th December 2009*
Coming into force - - *20th January 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1) and (3), and 48(1) of the Food Safety Act 1990 ^{M1}, (the 1990 Act) and now vested in him ^{M2}.

In accordance with section 48(4A) of the 1990 Act, he has had regard to relevant advice given by the Food Standards Agency.

In so far as these Regulations cannot be made under the powers in the 1990 Act cited above, the Secretary of State makes these Regulations as a Minister designated ^{M3} for the purposes of section 2(2) of the European Communities Act 1972 ^{M4} in relation to measures relating to the description of, and other requirements relating to, spirit drinks.

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 ^{M5}, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Marginal Citations

- M1** 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999 Act”. Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. 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 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.
- M2** 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). Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by

paragraph 30 of Schedule 11 to the [Government of Wales Act 2006 \(2006 c.32\)](#). 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.

M3 [S.I. 1989/1327](#), to which there are amendments not relevant to these Regulations.

M4 [1972 c.68](#).

M5 OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14).

Changes to legislation:

There are currently no known outstanding effects for the The Food Enzymes Regulations 2009, Introductory Text.