
STATUTORY INSTRUMENTS

2011 No. 136

AGRICULTURE, ENGLAND
FOOD, ENGLAND

**The Official Feed and Food Controls
(England) (Amendment) Regulations 2011**

Made - - - - *25th January 2011*

Laid before Parliament *28th January 2011*

Coming into force - - *1st April 2011*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972⁽¹⁾.

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals⁽²⁾, the common agricultural policy of the European Union⁽³⁾ and measures in the veterinary and phytosanitary fields for the protection of public health⁽⁴⁾.

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⁽⁵⁾ there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

Title and commencement

1. These Regulations may be cited as the Official Feed and Food Controls (England) (Amendment) Regulations 2011 and come into force on 1st April 2011.

(1) 1972 c.68.

(2) S.I. 2003/2901.

(3) S.I. 1972/1811.

(4) S.I. 1999/2027.

(5) OJ No. L31, 1.2.2002, p.1, as last amended by 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/EC 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).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of the Official Feed and Food Controls (England) Regulations 2009

2.—(1) The Official Feed and Food Controls (England) Regulations 2009⁽⁶⁾ are amended in accordance with the following paragraph.

(2) In regulation 12 (right of appeal), omit paragraphs (5) to (7).

Signed by authority of the Secretary of State for Health.

25th January 2011

Anne Milton
Parliamentary Under-Secretary of State,
Department of Health

⁽⁶⁾ [S.I. 2009/3255](#), to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations (at *regulation 2*) amend The Official Feed and Food Controls (England) Regulations 2009 ([S.I. 2009/3255](#)) by omitting paragraphs (5) to (7) of regulation 12 of those Regulations.

2. Those paragraphs made provision for a food business operator who has appealed against the refusal or withdrawal of an authorisation of a food business establishment to continue to operate the establishment pending the outcome of that appeal.

3. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Enforcement and Local Authority Delivery Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.