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STATUTORY INSTRUMENTS

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**2020 No. 1504**

**The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020**

**PART 3**

Amendment of EU Exit subordinate legislation

**Amendment of the General Food Law (Amendment etc.) (EU Exit) Regulations 2019**

**10.**—(1) The General Food Law (Amendment etc.) (EU Exit) Regulations 2019<sup>MI</sup> are amended as follows.

(2) After regulation 3, insert—

“**3A.** In regulation 19—

- (a) in paragraph (1), for “(8)” substitute “(9)”;  
(b) after paragraph (8), substitute—

“**(9)** A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if—

- (a) in the case of a health mark—
  - (i) the health mark was applied to a product of animal origin in accordance with Article 5(1) before IP completion day; and
  - (ii) the health mark complied with Article 5(1) as that Article applied immediately before IP completion day;
- (b) in the case of an identification mark—
  - (i) the identification mark was applied to a product of animal origin subject to Article 5(1) before IP completion day; or
  - (ii) the identification mark is applied to a product of animal origin in accordance with Article 5(1) as that Article applied immediately before IP completion day, no later than 21 months after IP completion day ends, using a label, wrapping or packaging bearing that identification mark which is owned by the food business operator immediately before IP completion day.”.

(3) For regulation 7(b), substitute—

“(b) at the end insert—

“**19.** “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

**20.** “third country” means any country or territory other than the British Islands.”.”.

(4) For regulation 9(b), substitute—

“(b) in paragraph 3, for “the Community” substitute “ Great Britain ”.”.

(5) For regulation 11, substitute—

“**11.** In Article 7, in both places it occurs, for “the Community” substitute “ Great Britain ”.”.

(6) For regulation 13, substitute—

“**13.** For Article 11 substitute—

**“Food and feed imported into Great Britain**

**11.** Food and feed imported into Great Britain for placing on the market within Great Britain must comply with the relevant requirements of food law or conditions recognised by Great Britain to be at least equivalent thereto or, where a specific agreement exists between the United Kingdom and an exporting country, with requirements contained therein.”.”.

(7) In regulation 14—

(a) for paragraphs (a) and (b), substitute—

“(a) in the heading, for “the Community” substitute “ Great Britain ”;

(b) in paragraph 1, in both places it occurs, for “the Community” substitute “ Great Britain ”.”.

(8) For regulation 15(b), substitute—

“(b) in paragraph (e), for “the Community” substitute “ Great Britain ”.”.

(9) For regulation 16(a), substitute—

“(a) in paragraph 7—

(i) in the first place it occurs, for “Community provisions” substitute “ legislation in force in the relevant constituent territory of Great Britain ”;

(ii) omit “Community” in the second place it occurs;”.

(10) For regulation 17(a), substitute—

“(a) in paragraph 4—

(i) in the first place “Community provisions” occurs, substitute “legislation in force in the relevant constituent territory of Great Britain”;

(ii) in the second place “Community provisions” occurs, omit “Community”.”.

(11) In regulation 19—

(a) for paragraph (a), substitute—

“(a) in paragraph (4), for “the Community” substitute “ Great Britain ”.”;

(b) for paragraph (b) substitute—

“(b) for paragraph (5) substitute—

“5. The appropriate authority may make regulations for the purpose of applying the requirements of this Article in respect of specific sectors.”

(c) omit paragraph (c).

(12) for regulation 20(c), substitute—

“(c) Chapter 4 except Article 53.”.

(13) After regulation 20, insert—

“20A. In Article 53—

(a) in the heading, omit “of Community origin or imported from a third country”;

(b) in paragraph 1—

(i) for the text before subparagraph (a), substitute—

“Where it is evident that food or feed originating in the United Kingdom, or imported into Great Britain from outside the United Kingdom, is likely to constitute a serious risk to human health, animal health or the environment, the appropriate authority may make regulations, containing one or more the following measures, depending on the gravity of the situation—”;

(ii) in subparagraph (a), for “of Community origin” substitute “originating in the United Kingdom”;

(iii) for the opening line of subparagraph (b), substitute—

“(b)in the case of food or feed imported from outside the United Kingdom—”;

(iv) in subparagraphs (b)(i) and (ii), omit “third”;

(c) omit paragraph 2.”.

(14) In regulation 21, before paragraph (a), insert—

“(aa) for Article 57a substitute—

*“Article 57a*

*Procedure*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 <sup>M2</sup>.

3. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

4. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.

5. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

6. Regulations made under this Regulation may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision;
- (b) make different provision for different purposes.”.”.

(15) In the Schedule, in the Schedule to be inserted—

- (a) in the first entry in the table, for “the United Kingdom” substitute “ Great Britain ”;
- (b) in each place the words occur, for “Regulation 854/2004” substitute “ Regulation 2017/625 ”.

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**Commencement Information**

**I1** Reg. 10 in force at 31.12.2020 immediately before IP completion day, see [reg. 1\(2\)](#)

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**Marginal Citations**

**M1** [S.I. 2019/641](#).

**M2** [2010 asp 10](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020, Section 10.