

This Statutory Instrument has been published in order to restate certain provisions in S.I. 2019/1218 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2022 No. 481

FOOD, ENGLAND

**The Food Information (Amendment) (England) Regulations
2022**

<i>Made</i> - - - -	<i>25th April 2022</i>
<i>Laid before Parliament</i>	<i>28th April 2022</i>
<i>Coming into force</i> - -	<i>19th May 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1)(e), 26(3) and 48(1) of the Food Safety Act 1990(a).

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990(b).

There has been consultation 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(c) during the preparation, evaluation and revision of food law in relation to these Regulations.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Food Information (Amendment) (England) Regulations 2022 and come into force on 19th May 2022.

(2) These Regulations extend to England and Wales but only apply in relation to England.

Amendment of the Food Information Regulations 2014

2.—(1) The Food Information Regulations 2014(d) are amended as follows.

(2) For regulation 5A (foods that are prepacked for direct sale – duty to list ingredients) substitute—

(a) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.
(b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
(c) EUR 2002/178, to which there are no relevant amendments.
(d) S.I. 2014/1855, amended by S.I. 2015/1348, 2019/150, 1218, 2020/541, 2021/638 and 1471.

“Foods that are prepacked for direct sale – duty to list ingredients

5A. —(1) A food business operator who offers for sale a food to which this regulation applies must provide directly on the package or on a label attached to the package the particulars required by—

- (a) Article 9(1)(b) (list of ingredients), as read with—
 - (i) Article 13(1) to (3), as read with any regulations made under Article 13(4),
 - (ii) Article 15,
 - (iii) Article 16(2), so far as it relates to the particulars required by Article 9(1)(b),
 - (iv) Article 17, as read with Parts A and C of Annex 6 and, in the case of an ingredient using a minced meat designation as a name, the following points of Part B of Annex 6—
 - (aa) point 1, and
 - (bb) point 3, as read with regulation 4 and Schedule 2,
 - (v) Article 18, as read with Annex 7 and paragraph (1)(a)(iv) of this regulation,
 - (vi) Article 19(1), as read with any regulations made under Article 19(2), and
 - (vii) Article 20;
- (b) Article 9(1)(c) (labelling of certain substances or products causing allergies or intolerances), as read with Article 21(1) and Annex 2.

(2) This regulation applies to a food that—

- (a) is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication, and
- (b) is prepacked for direct sale.”.

(3) For regulation 6A (foods that are prepacked for direct sale – general requirement to name them) substitute—

“Foods that are prepacked for direct sale – general requirement to name them

6A. —(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food), as read with—

- (a) Article 17(1) and (4),
- (b) Part A of Annex 6, and
- (c) in the case of a food offered for sale using a minced meat designation as a name—
 - (i) Article 17(5),
 - (ii) point 1 of Part B of Annex 6, and
 - (iii) point 3 of Part B of Annex 6, as read with regulation 4 and Schedule 2.

(2) This regulation applies to a food that—

- (a) is offered for sale to a final consumer or to a mass caterer, and
- (b) is prepacked for direct sale.

(3) The particulars in paragraph (1) must be provided directly on the package or on a label attached to the package, except in the case of an offer for sale made by means of distance communication.”.

(4) In regulation 10(1) (offence), for sub-paragraph (c) substitute—

“(c) regulation 5A(1)(b).”.

(5) In regulation 12 (application of provisions of the Act), in paragraph (1)(a)—

- (a) for paragraph (ia) substitute—

“(ia) regulation 5A(1);”;

(b) for paragraph (iia) substitute—

“(iia) regulation 6A(1) or (3);”.

(6) In Schedule 1 (provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3)) omit the references to “Regulation 5A(1)” and “Regulation 6A(1)”.

(7) In Schedule 4, in Part 1, in paragraph 1 (modification of section 10(1) of the Act), in the modified section 10(1A)(d)—

(a) for sub-paragraph (ia) substitute—

“(ia) regulation 5A(1);”;

(b) for sub-paragraph (iia) substitute—

“(iia) regulation 6A(1) or (3);”.

Victoria Prentis

Minister of State

25th April 2022

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Food Information Regulations 2014 (S.I. 2014/1855) to revoke and restate certain amendments made by the Food Information (Amendment) (England) Regulations 2019 (S.I. 2019/1218) (“the 2019 Regulations”). These Regulations are being issued free of charge to all known recipients of the 2019 Regulations.

Regulation 5A, substituted by regulation 2(2) of this instrument, provides that food that is prepacked for direct sale, whether supplied to a final consumer or to a mass caterer, must have a list of ingredients provided directly on the package or on a label attached to the package. There is an exemption for packaging or containers the largest surface of which has an area of less than 10cm². There is also an exemption where an offer for sale is made by means of distance communication.

Regulation 6A, substituted by regulation 2(3) of this instrument, provides that food that is prepacked for direct sale, whether supplied to a final consumer or to a mass caterer, must have the name of the food provided directly on the package or on a label attached to the package. There is an exemption where an offer for sale is made by means of distance communication.

Other provisions revoke and restate amendments made by the 2019 Regulations in consequence of these changes.

A full impact assessment of the effect that the 2019 Regulations (substantive provisions from which this instrument restates) had on the costs of business, the voluntary sector and the public sector is available from the Food Standards and Consumers Team, Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF and is published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

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