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WELSH STATUTORY INSTRUMENTS

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**2005 No. 3254**

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

**PART IV**

**AMENDMENTS TO THE GENERAL FOOD REGULATIONS 2004**

**Amendments to the General Food Regulations 2004**

**41.**—(1) The General Food Regulations 2004<sup>M1</sup> are amended in accordance with paragraphs (2) to (5) in so far as they apply in relation to Wales.

(2) For regulation 4 (requirements under Regulation (EC) No. 178/2002 : offences) there is 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 is substituted the following sub-paragraph—

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

(4) For paragraph (1) of regulation 6 (enforcement) there is 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) After regulation 6 (enforcement) there is 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 that—

- (a) 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) 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 relevant 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.”.

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**Commencement Information**

**II** [Reg. 41](#) in force at 1.1.2006, see [reg. 1](#)

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**Marginal Citations**

**M1** [S.I. 2004/3279](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Feed and Food Controls (Wales) Regulations 2005, PART IV .