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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1103**

**The Novel Foods (Wales) Regulations 2017**

**Title, application and commencement**

- 1.—(1) The title of these Regulations is the Novel Foods (Wales) Regulations 2017.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 1 January 2018.

**Interpretation**

- 2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“Regulation (EU) 2015/2283” (“*Rheoliad (EU) 2015/2283*”) means Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001<sup>(1)</sup>;

“specified EU provision” (“*darpariaeth UE benodedig*”) means a provision of Regulation (EU) 2015/2283 specified in column 1, and described in column 2, of the table in Schedule 1.

- (2) Unless the contrary intention appears, any expression used both in these Regulations and Regulation (EU) 2015/2283 has the meaning that it bears in Regulation (EU) 2015/2283.

**Enforcement**

3. It is the duty of a food authority within its area to enforce Regulation (EU) 2015/2283 and these Regulations.

**Offence and penalty**

4. A person who fails to comply with Article 6(2) as read with Articles 24 and 35(2) of Regulation (EU) 2015/2283 is guilty of an offence and liable on summary conviction to a fine.

**Application and modification of provisions of the Act**

- 5.—(1) Section 10(1) and (2) of the Act (improvement notices) applies for the purposes of these Regulations with the modification (in the case of section 10(1)) set out in Part 1 of Schedule 2 for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring that person to comply with a specified EU provision; and
- (b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

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(1) OJ No L 327, 11.12.2015, p 1.

(2) Section 9 of the Act (inspection and seizure of suspected food) applies for the purposes of these Regulations with the modifications set out in Part 2 of Schedule 2 for the purposes of enabling an authorised officer of a food authority, if it appears to the authorised officer that Article 6(2) of Regulation (EU) 2015/2283 is being, or has been, contravened in relation to any food which has been placed on the market, to either—

- (a) give notice to the person in charge of the food that it is not to be used for human consumption, and is not to be removed or is not to be removed except to some place specified in the notice, or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace.

(3) The provisions of the Act specified in column 1 of the table in Part 3 of Schedule 2 apply, with the modifications (if any) specified in column 2 of that table, for the purposes of these Regulations.

(4) Paragraphs (1) to (3) are without prejudice to the application of the Act to these Regulations for purposes other than those specified in paragraphs (1) and (2).

### **Revocations**

6. The following Regulations are revoked—

- (a) The Novel Foods and Novel Food Ingredients Regulations 1997(2);
- (b) The Novel Foods and Novel Food Ingredients (Fees) Regulations 1997(3);
- (c) The Food Enzymes (Wales) Regulations 2009(4).

14 November 2017

*Vaughan Gething*  
Cabinet Secretary for Health and Social  
Services, one of the Welsh Ministers

We consent

10th October 2017

*Guto Bebb*  
*David Evennett*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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(2) [S.I. 1997/1335](#).

(3) [S.I. 1997/1336](#).

(4) [S.I. 2009/3377 \(W. 299\)](#).