STATUTORY INSTRUMENTS

2017 No. 62

FOOD, ENGLAND

FOOD SAFETY

The Food for Specific Groups (Information and Compositional Requirements) (England) (Amendment) Regulations 2017

Made - - - -	*26th January 2017*
Laid before Parliament	*2nd February 2017*
Coming into force - -	*1st March 2017*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [M1] and sections 16(1), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990 [M2].
The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

(a) food and drink intended for sale for human consumption including the presentation, packaging, labelling, marketing and advertising of such food and drink [M3]; and

(b) measures relating to food (including drink) including the primary production of food [M4].

So far as these Regulations are made in exercise of the powers conferred by the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act [M5].

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 [M6], during the preparation and evaluation of these Regulations.

Marginal Citations

M1 1972 c. 68.

M2 1990 c.16: Section 16(1) (to which there are amendments not relevant to these Regulations) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) ("the 1999 Act"). Section 17 was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 26 was partially repealed by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act. Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food

and Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act.

M3 S.I. 2005/2766, to which there are amendments not relevant to these Regulations.

M4 S.I. 2003/2901, to which there are amendments not relevant to these Regulations.

M5 Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

M6 OJ No L 31 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 15.05.2014, p 1).

Citation, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Food for Specific Groups (Information and Compositional Requirements) (England) (Amendment) Regulations 2017.

(2) These Regulations apply in England only.

(3) These Regulations come into force on 1st March 2017.

(4) In these Regulations—

"the Act" means the Food Safety Act 1990;

"the 2016 Regulations" means the Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016 [M7].

Marginal Citations

M7 S.I. 2016/688.

Amendment of regulation 4 of the 2016 Regulations

2. In regulation 4(5) of the 2016 Regulations, for "applies," substitute " applies to an appeal against an improvement notice served in relation to a specified EU requirement ".

Amendment of Schedule 2 to the 2016 Regulations

3. Schedule 2 (modification of provisions of the Act) to the 2016 Regulations is amended as follows—

(a) in paragraphs 3, 6 and 7 for "Food for Specific Groups (Compositional and Information Requirements)" substitute " Food for Specific Groups (Information and Compositional Requirements) ";

(b) in Part 3 (modification of section 35)—

(i) before paragraph 7, insert—

"**6A.** In section 35(1), after "section 33(1) above", insert "as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016,";

(ii) for paragraph 8, substitute—

"**8.** In section 35(2), after "any other offence under this Act", insert "including an offence under section 33(2), as applied by regulation 4(6)