STATUTORY INSTRUMENTS

2016 No. 868

FOOD, ENGLAND

The Food Safety and Hygiene (England) (Amendment) Regulations 2016

Made - - - -	*31st August 2016*
Laid before Parliament	*8th September 2016*
Coming into force - -	*15th October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(**1**).

The Secretary of State has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(**2**) and measures in the veterinary and phytosanitary fields for the protection of public health(**3**).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references to an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex as amended from time to time.

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(**4**) there has been open and transparent public consultation during the preparation of the following Regulations.

Title and commencement

1. These Regulations may be cited as the Food Safety and Hygiene (England) (Amendment) Regulations 2016 and come into force on 15th October 2016.

(**1**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and has been amended by section 3(3) of and the Schedule to the European Union (Amendment) Act 2008 (2008 c.7).
(**2**) S.I. 2003/2901.
(**3**) S.I. 1999/2027.
(**4**) OJ No. L31, 1.2.2002, p.1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.6.2014, p.1).

Amendments to the Food Safety and Hygiene (England) Regulations 2013

2.—(1) The Food Safety and Hygiene (England) Regulations 2013(**5**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation), in the definition of "the EU Hygiene Regulations" and in the definition beginning "Decision 2006/766", for "Regulation 2075/2005" in each case substitute "Regulation 2015/1375".

(3) In Schedule 1 (definitions of EU legislation) —

(a) in the definition of "Regulation 854/2004", for "Regulation 2075/2005" substitute "Regulation 2015/1375";

(b) omit the definition of "Regulation 2075/2005"; and

(c) at the end of the Schedule add the following definition —

> ""Regulation 2015/1375" means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat."(**6**).

(4) In Schedule 2 (specified EU provisions), for the entries in the final row of the table substitute the following —

"Article 9 of Regulation 2015/1375	Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings' Trichinella status"

(5) In regulation 38 (consequential amendments to the Animal By-Products (Enforcement) (England) Regulations 2013)(**7**) —

(a) in paragraph (a), for "regulation 12(2)(a)" substitute "regulation 10(2)(a)"; and

(b) in paragraph (b), for "regulation 23(8)" substitute "regulation 21(8)".

Review

3.—(1) The Food Standards Agency acting on behalf of the Secretary of State must from time to time —

(a) carry out a review of the operation and effect of the amendments made to the Food Safety and Hygiene (England) Regulations 2013 made by regulation 2 of these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular —

(a) set out the objectives intended to be achieved by the regulatory provisions made by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(**5**) S.I. 2013/2996. These Regulations have been amended by S.I. 2014/2748 and S.I. 2014/2885.
(**6**) OJ No. L212, 11.8.2015, p.7.
(**7**) S.I.2013/2952. This instrument was amended by S.I. 2013/2996 and S.I. 2015/1980.