STATUTORY INSTRUMENTS

2015 No. 1348

FOOD, ENGLAND

The Honey (England) Regulations 2015

Made - - - -	*30th May 2015*
Laid before Parliament	*3rd June 2015*
Coming into force - -	*24th June 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4) [F1], 16(1)(a) and (e) [F2], 17(1) [F3], 26(1) and (3) [F4] and 48(1) [F5] of the Food Safety Act 1990 [F6] and now vested in the Secretary of State [F7].

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) [F8] of the Food Safety Act 1990.

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 [F9], during the preparation and evaluation of the following Regulations.

F1 Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), **paragraph 10(1)** and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c. 28) and S.I. 2002/794.

F2 Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

F3 Section 17(1) was amended by paragraphs 8 and 12(a) of Schedule 5 to the Food Standards Act 1999 and S.I. 2011/1043.

F4 Section 26(3) was amended by Schedule 6 to the Food Standards Act 1999.

F5 Section 48(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

F6 1990 c. 16.

F7 Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the 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 Food Standards Act 1999.

F8 Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

F9 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, 27.6.2014, p 1).

PART 1

Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the Honey (England) Regulations 2015 and come into force on 24th June 2015.

(2) These Regulations apply in England only.

Definition of "honey" and different types of honey

2.—(1) In these Regulations "honey" means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature.

(2) In these Regulations—

"baker's honey" means honey that is suitable for industrial use or as an ingredient in another foodstuff which is then processed;

"blossom honey" and "nectar honey" mean honeys obtained from the nectar of plants;

"chunk honey" and "cut comb in honey" mean honeys which contain one or more pieces of comb honey;

"comb honey" means honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs;

"drained honey" means honey obtained by draining de-capped broodless combs;

"extracted honey" means honey obtained by centrifuging de-capped broodless combs;

"filtered honey" means honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen;

"honeydew honey" means honey obtained mainly from excretions of plant sucking insects (*Hemiptera*) on the living part of plants or secretions of living parts of plants;

"pressed honey" means honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45° Celsius.

General interpretation

3.—(1) In these Regulations—

"the Act" means the Food Safety Act 1990;

"bulk containers" has the same meaning as in Article 3 of the Honey Directive;

"FIC" means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004[F10];

"food authority" does not include—

(a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change; or

(b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

"the Honey Directive" means Council Directive 2001/110/EC relating to honey [F11];

"ingredient" has the meaning given in Article 2(2)(f) of FIC, as read with Article 2(5) of the Honey Directive;

"in trade" has the same meaning as in the Honey Directive and "trade in" and "trading in" are to be construed accordingly;

"label" has the meaning given in Article 2(2)(i) of FIC;

"packs" has the same meaning as in Article 3 of the Honey Directive;

"trade documents" has the same meaning as in Article 3 of the Honey Directive;

"specific quality criteria" has the same meaning as in the third indented paragraph of paragraph (b) of the second sub-paragraph of point 2 of Article 2 of the Honey Directive.

(2) Any other expression used in both these Regulations and in the Honey Directive has the same meaning in these Regulations as in that Directive.

F10 OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

F11 OJ No L 10, 12.1.2002, p 47, last amended by Directive 2014/63/EU of the European Parliament and of the Council (OJ No 164, 3.6.2014, p 1).

Limited scope of specified provisions

4.—(1) The following provisions only apply in relation to a product intended for supply to a final consumer or mass caterer—

(a) Part 2, except for regulations 14(4) and 15(4) and (5);

(b) regulation 16(1) and (2);

(c) Part 4.

(2) Regulation 16(3) and (4) only apply where the products intended for human consumption specified in those paragraphs (the products to which honey is added as an ingredient) are intended for supply to a final consumer or mass caterer.

(3) In this regulation—

"final consumer" has the meaning given in point 18 of Article 3 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 [F12];

"mass caterer" has the meaning given in Article 2(2)(d) of FIC.

F12 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, 27.6.2014, p 1).

Application of requirements relating to product names

5. Where two or more provisions of these Regulations apply in determining the name to be used in respect of a particular honey, a person trading in that honey must use a name or combination name which complies with the requirements of each of those provisions.

PART 2

Product names and descriptions

Honey

6.—(1) A person trading in a honey, except a honey to which paragraph (2) applies, must use the name "honey" in trade as the name of the product.

(2) This paragraph applies to—

(a) baker's honey;

(b) comb honey;

(c) drained honey;

(d) extracted honey;

(e) filtered honey;

(f) honeydew honey;

(g) honey that contains one or more pieces of comb honey (chunk honey and cut comb in honey);

(h) honey that is obtained from the nectar of plants (blossom honey and nectar honey); and

(i) pressed honey.

(3) A person must not use the name "honey" in trade as the name of a product if the product is not honey.

Blossom honey and nectar honey

7.—(1) A person trading in honey obtained from the nectar of plants must use the name "honey", "blossom honey" or "nectar honey" in trade as the name of the product.

(2) A person must not use the name "blossom honey" or "nectar honey" in trade as the name of a product if the product is not honey obtained from the nectar of plants.

Honeydew honey

8.—(1) A person trading in a honeydew honey must use the name "honey" or "honeydew honey" in trade as the name of the product.

(2) A person must not use the name "honeydew honey" in trade as the name of a product if the product is not honeydew honey.

Comb honey

9.—(1) A person trading in a comb honey must use the name "comb honey" in trade as the name of the product.

(2) A person must not use the name "comb honey" in trade as the name of a product if the product is not comb honey.

Chunk honey and cut comb in honey

10.—(1) A person trading in a honey that contains one or more pieces of comb honey must use the name "chunk honey" or "cut comb in honey" in trade as the name of the product.

(2) A person must not use the name "chunk honey" or "cut comb in honey" in trade as the name of a product if the product does not contain one or more pieces of comb honey.

Drained honey

11.—(1) A person trading in drained honey must use the name "honey" or "drained honey" in trade as the name of the product.

(2) A person must not use the name "drained honey" in trade as the name of a product if the product is not drained honey.

Extracted honey

12.—(1) A person trading in extracted honey must use the name "honey" or "extracted honey" in trade as the name of the product.

(2) A person must not use the name "extracted honey" in trade as the name of a product if the product is not extracted honey.

Pressed honey

13.—(1) A person trading in pressed honey must use the name "honey" or "pressed honey" in trade as the name of the product.

(2) A person must not use the name "pressed honey" in trade as the name of a product if the product is not pressed honey.

Filtered honey

14.—(1) A person trading in filtered honey must use the name "filtered honey" in trade as the name of the product.

(2) A person must not use the name "filtered honey" in trade as the name of a product if the product is not filtered honey.

(3) A person trading in filtered honey must not provide information relating to the floral, vegetable, regional, territorial or topographical origin of the product or specific quality criteria for the product.

(4) A person must not trade in filtered honey in bulk containers or packs unless the product name "filtered honey" is clearly indicated—

(a) on those containers and packs; and

(b) on the trade documents relating to the product.

Baker's honey

15.—(1) A person trading in baker's honey must use the name "baker's honey", in trade, as the name of the product.

(2) A person must not use the name "baker's honey" in trade as the name of a product if the product is not baker's honey.