WELSH STATUTORY INSTRUMENTS

2006 No.2923 (W. 260)

FOOD, WALES

The Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006

Made - - - -	*8 November 2006*
Coming into force - -	*9 November 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The National Assembly for Wales has been designated for the purpose of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(**2**).

Title, application and commencement

1. The title of these Regulations is the Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006, they apply in relation to Wales and come into force on 9 November 2006.

Interpretation

2.—(1) In these Regulations—

"authorised officer", in relation to a feed authority or a food authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulation;

"the Commission Decision" means Commission Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(**3**) as amended by Commission Decision 2006/754/EC amending Decision 2006/602/EC on emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products(**4**);

"feed" has the meaning given to it in Article 3.4 of Regulation 178/2002;

(**1**) 1972 c. 68.
(**2**) S.I.2005/1971.
(**3**) OJ No. L244, 7.9.2006, p.27.
(**4**) OJ No. 306, 7.11.2006, p.17.

"feed authority" means the authority required by section 67(1A) of the Agriculture Act 1970(**5**) to enforce that Act within its area;

"food" has the meaning given to it in Article 2 of Regulation 178/2002;

"first placing on the market" has the meaning that it bears in the Commission Decision;

"food authority" has the meaning that it bears by virtue of section 5(1A) of the Food Safety Act 1990(**6**);

"rice product" means a rice product of any type referred to in the table in Article 1 of the Commission Decision that originates from the United States of America; and

"Regulation 178/2002" means 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(**7**) as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Permanent Scientific Panels of the European Food Safety Authority(**8**).

(2) Where any functions under the Food Safety Act 1990 are assigned—

(a) by an order under section 2 of the Public Health (Control of Disease) Act 1984(**9**); or

(b) by an order under section 6 of the Public Health Act 1936(**10**), to a joint board for a united district,

any reference in these Regulations to a food authority must be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

Restriction on first placing on the market of rice products

3.—(1) The first placing on the market of any rice product is prohibited unless—

(a) the conditions specified in Article 2.1 and 4 of the Commission Decision are satisfied in relation to that product; and

(b) official sampling and analysis carried out in accordance with Article 2(2) of that Decision demonstrates that that product does not contain genetically modified rice "LL RICE 601"; and

(c) arrangements have been made to ensure compliance with the conditions specified in Article 2(4) of that Decision in relation to that product.

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding three months or to both.

Enforcement

4.—(1) It is the duty of each feed authority to execute and enforce these Regulations within its area in relation to feed.

(2) It is the duty of each food authority to execute and enforce these Regulations within its area in relation to feed.

(**5**) 1970 c. 40.
(**6**) 1990 c. 16.
(**7**) OJ No. L31, 1.2.2002, p.1.
(**8**) OJ No. L100, 8.4.2006, p.3.
(**9**) 1984 c. 22; section 7(3)(d) was substituted by paragraph 27 of Schedule 3 to the Food Safety Act 1990.
(**10**) 1936 c. 49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.