Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2005 No. 2835 (W.200)

FOOD, WALES

The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005

Made - - - -	*11 October 2005*
Coming into force - -	*25 November 2005*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990 [F1] and now vested in it [F2], having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council [F3] 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, makes the following Regulations:

F1 1990 c. 16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990; section 53(2) was amended by Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.

F2 Functions formerly exercisable by "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).

F3 OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

Title, application and commencement

1. The title of these Regulations is the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005; they apply in relation to Wales and come into force on 25 November 2005.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996 [F4] shall be amended (in so far as they apply in relation to Wales) in accordance with regulations 3 to 7.

F4 S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2003/832 (W.104), 2004/249 (W.26), 2004/3022 (W.261).

3. In regulation 2(1) (interpretation), in the definition of "Directive 2000/13", for the words from "and Commission Directive 2002/67/EC" to the end there shall be substituted the words " , Commission Directive 2002/67/EC[F5] on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine and Commission Directive 2005/26/EC[F6] establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC ".

F5 OJ No. L191, 19.7.2002, p.20.
F6 OJ No. L75, 22.3.2005, p.33.

4. In regulation 13(8)(c) (order of list of ingredients) there shall be inserted at the end the words " other than, until 25 November 2007, ingredients which originate from an allergenic ingredient and are listed in column 2 of Schedule 2A in relation to that allergenic ingredient ".

5. In regulation 34B (foods containing allergenic ingredients or ingredients originating from allergenic ingredients)—

(a) in paragraph (1) for the words "Subject to paragraph (2)" there shall be substituted the words " Subject to paragraphs (2) and (3) ";

(b) in paragraph (2)(b) there shall be inserted at the beginning the words " subject to paragraph (3) of this regulation, ";

(c) there shall be inserted at the end the following paragraph—

"(3) Paragraphs (1) and (2)(b) of this regulation shall not apply before 25th November 2007 as respects any ingredient which originates from an allergenic ingredient and is listed in column 2 of Schedule 2A in relation to that allergenic ingredient.".

6. In regulation 50(12)(b)(iii) (transitional provision) there shall be inserted after the number "12" the words " (as read with regulation 5 of the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005) ".

7. After Schedule 2 (indications of treatment) there shall be inserted as Schedule 2A the contents of the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 [F7].

D. Elis-Thomas
11 October 2005 — The Presiding Officer of the National Assembly