WELSH STATUTORY INSTRUMENTS

2003 No. 3047 (W.290)

FOOD, WALES

The Specified Sugar Products (Wales) Regulations 2003

Made - - - -	*26th November 2003*
Coming into force - -	*28th November 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e), 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 both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council [F3] and in accordance with section 48(4) and (4B) of the said Act, hereby makes the following Regulations:

F1 1990 c. 16.
F2 Functions of "the Secretary of State" under the Food Safety Act 1990, 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).
F3 OJ No. L31, 1.2.2002, p.1.

Title, commencement and application

1. These Regulations may be cited as the Specified Sugar Products (Wales) Regulations 2003, shall come into force on 28th November 2003 and shall apply to Wales only.

Interpretation

2. In these Regulations —

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"candy sugar" ("*siwgr candi*") means crystalline sugar with crystals having any dimension greater than one centimetre;

"catering establishment" ("*sefydliad arlwyo*") means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

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F4 …

"food authority" ("*awdurdod bwyd*") has the same meaning as in section 5(1A) and (3)(a) and (b) of the Food Safety Act 1990;

"icing sugar" ("*siwgr eisin*") means fine particles of white sugar or extra-white sugar or mixtures thereof;

F5 ...

"preparation" ("*paratoi*") includes manufacture and any form of processing or treatment and "prepared" shall be construed accordingly;

"reserved description", ("*disgrifiad neilltuedig*") as respects any specified sugar product, means any description specified in relation to that product in column 1 of Schedule 1 (as read with the notes relating to that Schedule) and the use of any such description in these Regulations shall be construed as meaning the product to which that description relates;

"sell" ("*gwerthu*") includes offer or expose for sale or have in possession for sale, and cognate expressions shall be construed accordingly;

"specified sugar product" ("*cynnyrch siwgr penodedig*") means any food specified in column 2 of Schedule 1 (as read with the Notes relating to that Schedule) but does not include any such food in the form of icing sugar, candy sugar or sugar in loaf form;

"sugar in loaf form" ("*siwgr lwmp*") means a piece of agglomerated crystalline sugar, usually conically shaped, weighing not less than 250 grammes; and

"ultimate consumer" ("*defnyddiwr olaf*") means any person who buys otherwise than —

(a) for the purpose of resale,

(b) for the purposes of a catering establishment, or

(c) for the purposes of a manufacturing business.

F4 Words in reg. 2 omitted (26.7.2018) by virtue of The Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018 (S.I. 2018/806), regs. 1(3), **8(2)**

F5 Words in reg. 2 omitted (13.12.2014) by virtue of The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 7 para. 36**

Scope of Regulations

3. These Regulations apply to specified sugar products, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

Reserved descriptions

4. No person shall sell any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless —

(a) such food is the specified sugar product to which the reserved description relates;

(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;

(c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a specified sugar product; or

(d) such description, derivative or word is used in a customary name for another food product and is not liable to mislead the consumer.

Labelling and description of specified sugar products

5. Without prejudice to the generality of **[**[F6]Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers**]**, no person shall sell any specified sugar product unless it is marked or labelled with the following particulars —

(a) the reserved description of the product; and

(b) in the case of sugar solution, invert sugar solution and invert sugar syrup, the dry matter and invert sugar content of the product.

F6 Words in reg. 5 substituted (13.12.2014) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 7 para. 37**

Manner of marking or labelling

[F7]**6.** . . . . . .

F7 Reg. 6 revoked (13.12.2014) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 6 Pt. 1**

Penalties and enforcement

7.—(1) Any person who contravenes or fails to comply with regulation 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

[F8]**8.** . . . . . .

F8 Reg. 8 revoked (1.1.2006) by The Official Feed and Food Controls (Wales) Regulations 2005 (S.I. 2005/3254), reg. 1, **Sch. 6 Pt. 2**

Application of various provisions of the Food Safety Act 1990

9. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations —

(a) section 2 (extended meaning of sale etc.);

(b) section 3 (presumptions that food is intended for human consumption);

(c) section 20 (offences due to fault of another person);

(d) section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of the Act;

(e) section 22 (defence of publication in the course of business);

(f) section 30(8) (which relates to documentary evidence);

(g) section 33(1) (obstruction etc. of officers);

(h) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b) above" shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (g) above;

(i) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g) above;

(j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h) above;

(k) section 36 (offences by bodies corporate); and

(l) section 44 (protection of officers acting in good faith).

Revocations and consequential amendments

10.—(1) The following Regulations are hereby revoked (insofar as they apply to Wales):

(a) the Specified Sugar Products Regulations 1976 [F9];

(b) the Specified Sugar Products (Amendment) Regulations 1982 [F10].

[F11](2) . . . . . .

(3) Entries relating to the Specified Sugar Products Regulations 1976 in the provisions of the Regulations set out below shall, insofar as the Regulations apply to Wales, be omitted —

(a) in the Food (Revision of Penalties) Regulations 1982 [F12], in Schedule 1;

(b) in the Food (Revision of Penalties) Regulations 1985 [F13], in the Schedule, Part I;

(c) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990 [F14], in Schedule 1, Part I, Schedule 2, Schedule 3, Part I and Schedules 6 and 12;

(d) in the Food Safety (Exports) Regulations 1991 [F15], in Schedule 1, Part I;

(e) in the Food (Forces Exemptions) (Revocations) Regulations 1992 [F16], in the Schedule, Part I;

(f) in the Miscellaneous Food Additives Regulations 1995 [F17], in Schedule 9;

(g) in the Miscellaneous Food Additives (Amendment) Regulations 1999 [F18], in regulation 14(1);

(h) in the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 [F19], in regulation 9(2).

(4) In the Colours in Food Regulations 1995 [F20], insofar as they apply to Wales, in regulation 12 paragraph (2) shall be omitted;

(5) In the Miscellaneous Food Additives Regulations 1995, insofar as they apply to Wales —

(a) in regulation 10, paragraph (4) shall be omitted;

(b) in Schedule 2, in column 1, for the reference to "Directive 73/437/EEC" there is substituted a reference to " Directive 2001/111/EC ".

(6) In the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001 [F21], in regulation 5(1)(c), for the reference to the Specified Sugar Products Regulations 1976 there is substituted a reference to the Specified Sugar Products (Wales) Regulations 2003.

F9 S.I. 1976/509.
F10 S.I. 1982/255.
F11 Reg. 10(2) revoked (13.12.2014) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 6 Pt. 1**

F12 S.I. 1982/1727.
F13 S.I. 1985/67.
F14 S.I. 1990/2486.
F15 S.I. 1991/1476.
F16 S.I. 1992/2596.
F17 S.I. 1995/3187.
F18 S.I. 1999/1136.
F19 S.I. 2002/329 (W.42).
F20 S.I. 1995/3124.
F21 S.I. 2001/1440 (W.102).

Transitional provision

[F22]11. . . . . . .

F22 Reg. 11 omitted (26.7.2018) by virtue of The Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018 (S.I. 2018/806), regs. 1(3), **8(3)**

[F23] Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

D. Elis-Thomas
The Presiding Officer of the National Assembly

F23 1998 c. 38.