

*Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 and paragraph 13(1) and (3) of Schedule 8 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

# AGRICULTURE FOOD

## The Food and Feed Safety (Miscellaneous Amendments and Transitional Provisions) Regulations 2021

*Made* - - - -

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*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations apart from regulations 4, 5 and 6 in exercise of the powers conferred by sections 16(1)(a), (c) and (e), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and now vested in the Secretary of State<sup>(2)</sup>.

In accordance with section 48(4A) of that Act the Secretary of State has had regard to relevant advice given by the Food Standards Agency.

The Secretary of State makes regulation 4 in exercise of the powers conferred by section 8C of the European Union (Withdrawal) Act 2018<sup>(3)</sup>.

The Secretary of State makes regulations 5 and 6 of these Regulations in exercise of the powers conferred by section 8(1)(b) of and paragraph 21 of Schedule 7 to that Act.

In accordance with paragraph 8F(1) of Schedule 7 and paragraph 13(1) and (3) of Schedule 8 to that Act a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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

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- (1) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#). Section 48 was amended by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), “the 1999 Act”. Section 48 was also amended by [S.I. 2004/2990](#). Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the 1999 Act, [S.I. 2004/2990](#) and [S.I. 2004/3279](#).
- (2) 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 (1999 c. 28), “the 1999 Act”. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by [S.I. 1999/672](#) as read with section 40(3) of the 1999 Act and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act.
- (3) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (2020 c. 1) and section 8C(5A) was inserted by section 55(3) of the United Kingdom Internal Market Act 2020 (2020 c. 27).

Food Safety Authority and laying down procedures in matters of food safety<sup>(4)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

## PART 1

### Introduction

#### Citation and commencement

1.—(1) These Regulations may be cited as the Food and Feed Safety (Miscellaneous Amendments and Transitional Provisions) Regulations 2021.

(2) These Regulations, apart from Part 2, come into force 21 days after the day on which these Regulations are made.

(3) Part 2 of these Regulations comes into force on the day after the day on which these Regulations are made.

## PART 2

### Amendment of subordinate legislation that applies in England

#### The Quick-frozen Foodstuffs (England) Regulations 2007

2.—(1) The Quick-frozen Foodstuffs (England) Regulations 2007<sup>(5)</sup> are amended as follows.

(2) After regulation 11 insert—

#### “Transitional provisions: withdrawal from the EU

12. For the purpose of regulation 9(1), a person is not considered to have contravened or failed to comply with regulation 5(1) if—

- (a) a product does not comply with regulation 5(4)(b);
- (b) the alleged contravention would relate to a product that was placed on the market on or after the day on which the Food and Feed Safety (Miscellaneous Amendments and Transitional Provisions) Regulations 2021<sup>(6)</sup> came into force and before the last day of the period of 21 months beginning with the day on which IP completion day falls; and
- (c) the matter constituting the alleged contravention would not have constituted a contravention of these Regulations as they applied immediately before IP completion day.”.

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<sup>(4)</sup> EUR 178/2002 as amended by S.I. 2019/641 and 2020/1504.

<sup>(5)</sup> S.I. 2007/191 as amended by S.I. 2011/1043, 2014/1855 and 2019/462.

<sup>(6)</sup> S.I. 2021/XXX.