

2004 No. 1512

FOOD, ENGLAND

The Food Labelling (Amendment) (England) Regulations 2004

<i>Made</i>	- - -	<i>15th June 2004</i>
<i>Laid before Parliament</i>		<i>22nd June 2004</i>
<i>Coming into force</i>		<i>31st July 2004</i>

The Secretary of State, 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(a) and now vested in him(b), 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(c) 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 and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Food Labelling (Amendment) (England) Regulations 2004; they apply in relation to England only and come into force on 31st July 2004.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(d) shall be amended (in so far as they apply in relation to England) in accordance with regulations 3 and 4.

3. In regulation 2(1) (interpretation), in the definition of “Directive 90/496” there shall be inserted at the end the words “, as amended by Commission Directive 2003/120/EC(e)”.

(a) 1990 c.16.

(b) 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) and paragraphs 12 and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. Functions of “the Ministers” 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 1999 Act and 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. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the 1990 Act.

(c) OJ No. L31, 1.2.2002, p.1.

(d) S.I. 1996/1499; the relevant amending instrument is S.I. 1998/1398.

(e) OJ No. L333, 20.12.2003, p.51.

4. In Part I of Schedule 7 (presentation of prescribed nutrition labelling), in paragraph 5 there shall be inserted at the end the following sub-paragraph —

“(g) 1 gram of salatrims shall be deemed to contribute 25kJ (6 kcal)”.

Signed by authority of the Secretary of State for Health

15th June 2004

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Food Labelling Regulations 1996 in so far as they apply in relation to England. Those Regulations extend to the whole of Great Britain. These Regulations implement in England Commission Directive 2003/120/EC (OJ No. L333, 20.12.2003, p.51) amending Directive 90/496/EEC on nutrition labelling for foodstuffs.

2. These Regulations specify a conversion factor for salatrims to be used in the calculation of the declared energy value of foods (regulation 4) and update the definition of “Directive 90/496” (regulation 3).

3. A full regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business. A Transposition Note has been prepared and placed in the Library of each House of Parliament setting out how the main elements of Directive 2003/120/EC are transposed in these Regulations. Copies may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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