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STATUTORY INSTRUMENTS

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**2019 No. 1013**

**The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019**

**PART 2**

Amendment of subordinate legislation

**Amendment of the Food Hygiene Regulations (Northern Ireland) 2006**

3. The Food Hygiene Regulations (Northern Ireland) 2006<sup>(1)</sup> are amended as follows.
4. In regulation 17—
  - (a) in paragraph (1)—
    - (i) before “(4)”, for “paragraph” substitute “paragraphs”;
    - (ii) after “(4)” insert “and (5)”;
  - (b) after paragraph (4), insert—

“(5) A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if the health mark or identification mark that constitutes the alleged contravention or failure to comply would not have constituted a contravention or failure to comply with that Article as it applied immediately before exit day, provided the health mark or identification mark is applied before the end of the period of 21 months beginning with the day after the day on which exit day falls.”.

**Amendment of the Fishery Products (Official Controls Charges) (England) Regulations 2007**

5. The Fishery Products (Official Controls Charges) (England) Regulations 2007<sup>(2)</sup> are amended as follows.
6. In regulation 2—
  - (a) for the definition “third country” substitute—

““third country”, except in the expression “third country import”, means a country or state other than the United Kingdom;”;
  - (b) for the definition “third country import” substitute—

““third country import” means an import in respect of which a charge is payable pursuant to Regulation 882/2004;”.
7. For regulation 4 substitute—

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(1) S.R. 2006 No. 3, last amended by S.R. 2019 No. 5.  
(2) S.I. 2007/3392.

“4. Any reference in these Regulations to a specified number of Euros (“EUR”) is to be read as that sum converted into pounds sterling (“GBP”) using the exchange rate of GBP1 = EUR1.1413.”.

### **Amendment of the Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007**

8. The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007(3) are amended as follows.

9. In regulation 2—

(a) for the definition “third country” substitute—

““third country”, except in the expression “third country import”, means a country or state other than the United Kingdom;”;

(b) for the definition “third country import” substitute—

““third country import” means an import in respect of which a charge is payable pursuant to Regulation 882/2004;”.

10. For regulation 4 substitute—

“4. Any reference in these Regulations to a specified number of Euros (“EUR”) is to be read as that sum converted into pounds sterling (“GBP”) using the exchange rate of GBP1 = EUR1.1413.”.

### **Amendment of the Food Irradiation (England) Regulations 2009**

11. The Food Irradiation (England) Regulations 2009(4) are amended as follows.

12. In regulation 3(1)—

(a) in the definition “import”, for “another member State or from a country outside the European Union” substitute “outside the United Kingdom”;

(b) in the definition “official reference number” for “the reference number allocated by the member State in connection with its approval as an irradiation facility (being the number shown for it in the list in Schedule 3)” substitute “the number shown for it in the list in Schedule 3”.

13. In regulation 5(1)—

(a) for sub-paragraph (b) substitute—

“(b) it has been irradiated in one of the facilities listed in the Table in Schedule 3 or Schedule 4;”;

(b) in sub-paragraph (d), in the opening words, for “another” substitute “a”.

14. For the heading to Schedule 3 substitute—

“List of Facilities in member States and the United Kingdom”.

### **Amendment of the Food Irradiation Regulations (Northern Ireland) 2009**

15.—(1) The Food Irradiation Regulations (Northern Ireland) 2009(5) are amended as follows.

(2) In regulation 3(1)—

(3) [S.R. 2007 No. 497](#), amended by [S.I. 2011/1043](#) and [S.R. 2019 No.5](#).

(4) [S.I. 2009/1584](#), amended by [S.I. 2010/2312](#), [2011/1043](#).

(5) [S.R. 2009 No. 258](#), amended by [S.R. 2010 No. 322](#), [S.I. 2011/1043](#) and [S.R. 2019 No. 5](#).

- (a) in the definition “import”, for “another member State or from a country outside the European Union” substitute “outside the United Kingdom”;
  - (b) omit the definition of “member State”;
  - (c) in the definition “official reference number” for “the reference number allocated by the member State in connection with its approval as an irradiation facility (being the number shown for it in the list in Schedule 3)” substitute “the number shown for it in the list in Schedule 3”.
- (3) In regulation 5—
- (a) in paragraph (1) for sub-paragraph (b) substitute—
    - “(b) it has been irradiated in one of the facilities listed in the Table in Schedule 3 or Schedule 4;”;
  - (b) in paragraph (2), in the opening words, for “another” substitute “a”.
- (4) For the heading to Schedule 3 substitute—  
“LIST OF FACILITIES IN MEMBER STATES AND THE UNITED KINGDOM”.

#### **Amendment of the Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011**

16. The Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011(6) are amended as follows.

17. In regulation 3(2) insert “United Kingdom” after “the” and before “market”.

#### **Amendment of the Food Safety (Sampling and Qualifications) (England) Regulations 2013**

18. The Food Safety (Sampling and Qualifications) (England) Regulations 2013(7) are amended as follows.

19. In Schedule 2—

- (a) in Part 1, in paragraph 6, for “another Member State” substitute “a Member State of the European Union”;
- (b) in Part 2—
  - (i) in paragraph 2, for “another Member State” substitute “a Member State of the European Union”;
  - (ii) in paragraph 4, for “another Member State” substitute “a Member State of the European Union”.

#### **Amendment of the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013**

20. The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013(8) are amended as follows.

21. In Schedule 2—

- (a) in Part 1, in paragraph 6, for “another Member State” substitute “a Member State of the European Union”;
- (b) in Part 2—

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(6) S.R. 2011 No. 236, amended by S.R. 2019 No. 5.

(7) S.I. 2013/264, amended by S.I. 2013/2196.

(8) S.R. 2013 No. 66, amended by S.R. 2013 No. 229 and S.R. 2015 No. 365.

- (i) in paragraph 2, for “another Member State” substitute “a Member State of the European Union”;
- (ii) in paragraph 4, for “another Member State” substitute “a Member State of the European Union”.

### **Amendment of the Food Safety and Hygiene (England) Regulations 2013**

**22.** The Food Safety and Hygiene (England) Regulations 2013<sup>(9)</sup> are amended as follows.

**23.** In regulation 19—

- (a) in paragraph (1), for “(8)” substitute “(9)”;
- (b) after paragraph (8), insert—

“(9) A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if the health mark or identification mark that constitutes the alleged contravention or failure to comply would not have constituted a contravention or failure to comply with that Article as it applied immediately before exit day, provided the health mark or identification mark is applied before the end of the period of 21 months beginning with the day after the day on which exit day falls.”.

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<sup>(9)</sup> S.I. 2013/2996, amended by S.I. 2014/1855, S.I. 2014/2748, S.I. 2014/2885 and S.I. 2016/868.