
STATUTORY INSTRUMENTS

2019 No. 150

**EXITING THE EUROPEAN UNION, ENGLAND
FOOD, ENGLAND**

The Food (Amendment) (England) (EU Exit) Regulations 2019

Made - - - - 30th January 2019

Laid before Parliament 1st February 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 6(4), 16(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990 ^{M1}.

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act ^{M2}.

There has been consultation 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 Food Safety Authority and laying down procedures in matters of food safety ^{M3}.

Marginal Citations

- M1** 1990 c. 16. Section 6(4) was amended by the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), [Schedule 9](#), paragraph 6, the [Food Standards Act 1999 \(c. 28\)](#) (“the 1999 Act”), Schedule 5, paragraphs 10(1) and (3) and Schedule 6, and [S.I. 2002/794](#). Section 16(1) was amended by the 1999 Act, Schedule 5, paragraph 8. Section 26(3) was amended by the 1999 Act, Schedule 6, and (as read with section 35) modified by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c.10\)](#), [section 85\(2\)](#). Section 48(1) was amended by the 1999 Act, Schedule 5, paragraph 8.
- M2** [Section 48\(4A\)](#) was inserted by the 1999 Act, Schedule 5, paragraph 21.
- M3** OJ No. L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.

Citation and commencement

1. These Regulations may be cited as the Food (Amendment) (England) (EU Exit) Regulations 2019 and come into force on exit day.

Commencement Information

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

The Food (Lot Marking) Regulations 1996

- 2.**—(1) The Food (Lot Marking) Regulations 1996 ^{M4} are amended as follows.
- (2) In regulation 2 omit the definition of “first seller established within the European Union”.
- (3) In regulation 3(2)(a), for “European Union” substitute “ United Kingdom ”.

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M4** [S.I. 1996/1502](#), relevant amending instruments are [S.I. 2011/1043](#), 2014/1855.

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

3.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 ^{M5} are amended as follows.

(2) In regulation 2(1)—

[^{F1}(a) in the definition of “authorised activated alumina treatment” for paragraph (b) substitute—

“(b) in the case of natural mineral water or spring water brought into England from Scotland or Wales, a treatment which complies with Articles 1 to 3 of [Commission Regulation \(EU\) No 115/2010](#);

(c) in the case of natural mineral water or spring water brought into England from Northern Ireland or from an EEA State, a treatment which complies with Articles 1 and 2 of [Commission Regulation \(EU\) No 115/2010](#) as it has effect in EU law;

(d) in the case of natural mineral water or spring water brought into England from a country outside the UK and the EEA, a treatment which complies with Articles 1 and 2 of [Commission Regulation \(EU\) No 115/2010](#);”]

(b) in the definition of “authorised ozone-enriched air oxidation technique”, for paragraph (b) substitute—

“(b) in the case of water brought into England from other parts of the United Kingdom, a treatment that complies with the relevant bottled water legislation that applies in that part of the United Kingdom;”;

(c) omit the definition of “Directive 2003/40 ^{M6}”;

(d) after the definition of “relevant authority” insert—

““relevant bottled water legislation” means—

(a) in relation to Northern Ireland, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 ^{M7};

- (b) in relation to Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007^{M8};
 - (c) in relation to Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015^{M9};
 - (e) after the definition of “sell” insert—
 - ““third country” means any country, other than the United Kingdom, and includes—
 - (a) the Bailiwick of Guernsey;
 - (b) the Bailiwick of Jersey;
 - (c) the Isle of Man;”.
- [^{F2}(3) For regulation 3(1)(d) substitute—
- “(d) is a natural mineral water intended for—
 - (i) movement into Northern Ireland;
 - (ii) export to a third country.”.]
- (4) In regulation 4—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (b), for “pursuant to Directive 2009/54^{M10}” substitute “ under the relevant bottled water legislation ”;
 - (ii) omit sub-paragraph (c);
 - (iii) in sub-paragraph (d)—
 - (aa) in the words before paragraph (i), for “country other than an EEA State” substitute “ third country ”;
 - [^{F3}(bb) for paragraph (ii) substitute—
 - “(ii) it has equivalent recognition in Northern Ireland granted by the Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of Schedule 1 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015, or
 - (iii) it has equivalent recognition in Scotland granted by the Agency in accordance with regulation 4(1)(d)(i) of, and Part 2 of Schedule 3 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007, or
 - (iv) it has equivalent recognition in Wales granted by the Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of Schedule 1 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.”;]
 - (b) in paragraph (7)(b), for “country other than an EEA State” substitute “ third country ”;
 - (c) omit paragraph (8).
- (5) Omit regulation 16(5)(a)(i) (together with the following “and”).
- (6) In Schedule 3, in Part 2—
- (a) in the heading, for “Country Other than an EEA State” substitute “ Third Country ”;
 - (b) in paragraph 1, for “country other than an EEA State” substitute “ third country ”.
- (7) In Schedule 12, in paragraph 8(5)—
- (a) in the definition of “certificate of conformity” omit paragraph (b) and the “or” immediately preceding it;

- (b) in the definition of “declaration of conformity” omit paragraph (b) and the “or” immediately preceding it.

Textual Amendments

- F1** Reg. 3(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **3(2)(a)**
- F2** Reg. 3(3) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **3(2)(b)**
- F3** Reg. 3(4)(a)(iii)(bb) substituted (31.12.2020 immediately before IP completion day) by [The Food \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1501\)](#), regs. 1(a), **3(2)(c)**

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M5** [S.I. 2007/2785](#), relevant amending instruments are [S.I. 2009/1598](#), 2010/433, 2011/451, 2018/352.
- M6** OJ No. L 126, 22.5.2003, p. 34.
- M7** S.R. [2015 No. 365](#), amended by S.R. [2017 No.201](#).
- M8** [S.S.I. 2007/483](#), relevant amending instruments are [S.S.I. 2009/273](#), 2010/89, [S.I. 2011/1043](#).
- M9** [S.I. 2015/1867](#) (W. 274), amended by [S.I. 2017/935](#) (W. 229).
- M10** OJ No. L 164, 26.6.2009, p. 45.

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008

4.—(1) The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008^{M11} are amended as follows.

- (2) In regulation 2(1)—
- omit the definition of “EU provision”;
 - after the definition of “sell by retail” insert—

““specified provision” means a provision referred to in regulation 6(2).”.
- (3) In regulation 5, for “EU” substitute “ specified ”.
- (4) In regulation 6—
- for paragraph (1) substitute—

“(1) Any person who contravenes, or fails to comply with, a specified provision is guilty of an offence and liable on summary conviction to a fine.”;
 - in paragraph (2), in the words before sub-paragraph (a), for “EU” substitute “ specified ”.
- (5) In regulation 7(2), for “EU” substitute “ specified ”.

Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M11** [S.I. 2008/1287](#), relevant amending instruments are [S.I. 2011/1043](#), 2013/2854, 3235.

The Food Information Regulations 2014

5. In the Food Information Regulations 2014 ^{M12}, in Schedule 5, in Part 2, in the table omit the entries numbered 33 and 34.

Commencement Information

I5 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M12 [S.I. 2014/1855](#), to which there are amendments not relevant to these Regulations.

The Country of Origin of Certain Meats (England) Regulations 2015

6. In the Country of Origin of Certain Meats (England) Regulations 2015 ^{M13}, in regulation 3(a), for “member State or third” substitute “single”.

Commencement Information

I6 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M13 [S.I. 2015/518](#).

The Honey (England) Regulations 2015

7. In the Honey (England) Regulations 2015 ^{M14}, after regulation 18, insert—

“Methods of analysis

18A. In carrying out its obligations under regulation 18, a food authority must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations.”.

Commencement Information

I7 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M14 [S.I. 2015/1348](#).

Changes to legislation: There are currently no known outstanding effects for the *The Food (Amendment) (England) (EU Exit) Regulations 2019*. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of food composition and labelling.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Food (Amendment) (England) (EU Exit) Regulations 2019.