
WELSH STATUTORY INSTRUMENTS

2005 No. 1628 (W.122)

FOOD, WALES

The Colours in Food (Amendment) (Wales) Regulations 2005

Made - - - - - 14 June 2005

Coming into force - - - - - 24 June 2005

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(1) and now vested in it(2), and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after 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(3) makes the following Regulations:

Title, commencement and application

1. These Regulations —

- (a) may be cited as the Colours in Food (Amendment) (Wales) Regulations 2005;
- (b) come into force on 24 June 2005; and
- (c) apply in relation to Wales.

Amendment of the Colours in Food Regulations 1995

2.—(1) The Colours in Food Regulations 1995(4) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) in the definition of “Directive 95/45/EC”(5), for the words “and Directive 2001/50/EC” substitute the words —

(1) 1990 c. 16

(2) 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).

(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p.4). By virtue of regulation 5 of the Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. No. 2004/2990), with effect from 7th December 2004 the consultation requirement contained in section 48(4) of the 1990 Act is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.

(4) S.I. 1995/3124, relevant amending instruments are S.I. 2000/1799 (W.124) and S.I. 2001/3909 (W.321).

(5) The definition of “Directive 95/45/EC” was amended by S.I. 2000/1799 (.W.124) and S.I. 2001/3909 (W.321).

“Directive [2001/50/EC](#)(6) and Directive [2004/47/EC](#)(7)

(3) In regulation 13 (transitional provision and exemption) after paragraph (1) insert the following paragraph —

“(1A) In any proceedings for an offence against these Regulations it is a defence to prove that —

- (a) the colour or food which is the subject of the allegation was put on the market or labelled before 1 April 2005; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Colours in Food (Amendment) (Wales) Regulations 2005.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

14 June 2005

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

(6) Commission Directive [2001/50/EC](#) of 3 July 2001 amending Directive [95/45/EC](#) laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L190, 12.7.2001, p.14).

(7) Commission Directive [2004/47/EC](#) of 16 April 2004 amending Directive [95/45/EC](#) as regards mixed carotenes (E160 a (i)) and beta-carotene (E160 a (ii)) (OJ No. L113, 20.4.2004, p.24).

(8) [1998 c. 38](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, implement Commission Directive [2004/47/EC](#)(**9**) amending Directive [95/45/EC](#)(**10**). They do so by further amending the Colours in Food Regulations 1995(**11**). The Regulations —

- (a) provide amended purity criteria for mixed carotenes E160 a (i) and beta carotene E160 a (ii) (regulation 2(2));
- (b) insert a transitional defence provision for products put on the market or labelled before 1 April 2005 which otherwise comply with the Colours in Food Regulations 1995, allowing current stocks to be exhausted (regulation 2(3)).

A regulatory appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared for these Regulations and placed in the Library of the National Assembly for Wales. Copies of this document may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.

(9) OJ No. L113, 20.4.2004, p.24.

(10) Commission Directive [95/45/EC](#) of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L226, 22.9.1995, p.1).

(11) S.I. [1995/3124](#), relevant amendments are S.I. [2000/1799](#) (W.124) and S.I. [2001/3909](#) (W.321).