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WELSH STATUTORY INSTRUMENTS

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**2016 No. 664 (W. 181)**

**FOOD, WALES**

**The Food Information (Wales) (Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>22 June 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>24 June 2016</i>
<i>Coming into force</i>	- -	<i>20 July 2016</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17(2), 26(3) and 48 of the Food Safety Act 1990<sup>(1)</sup> and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(2)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references in the Food Information (Wales) Regulations 2014<sup>(3)</sup> to Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food to be construed as references to that Regulation as amended from time to time.

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)<sup>(4)</sup> of that Act.

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<sup>(5)</sup> during the preparation and evaluation of these Regulations.

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- (1) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 17(2) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 48 was amended by paragraph 8 of Schedule 5 to the 1999 Act. Functions formerly exercisable by “the Ministers” 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 (c. 32).
- (2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (3) S.I. 2014/2303 (W. 227).
- (4) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).
- (5) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014.

### **Title, application and commencement**

- 1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) Regulations 2016.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 20 July 2016.

### **Amendment of the Food Information (Wales) Regulations 2014**

2.—(1) The Food Information (Wales) Regulations 2014 are amended in accordance with paragraphs (2) to (6).

- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
- (i) at the end of the definition of “prepacked for direct sale”, omit “and”;
- (ii) at the end of the definition of “ready for consumption”, for “.” substitute—
- “; and
- “Regulation 828/2014” (“*Rheoliad 828/2014*”) means Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.”;
- (b) in paragraph (3), after “(including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies),” insert “or to Regulation 828/2014 or a provision of Regulation 828/2014,”.
- (3) In regulation 10 (offence)—
- (a) in paragraph (1)(a) for “, or” substitute “,.”;
- (b) in paragraph (1)(b) for “.” substitute “; or”;
- (c) after paragraph (1)(b) insert—
- “(c) any provision of Regulation 828/2014 specified in paragraph (3).”;
- (d) after paragraph (2), insert—
- “(3) The provisions of Regulation 828/2014 are—
- (a) Article 3(1) as read with Articles 1(3), 6, 7 and 36(1) and (2) of FIC and Articles 2 and 3(2) and (3) of and the Annex to Regulation 828/2014;
- (b) Article 4 as read with Article 2.”
- (4) In regulation 12 (application of provisions of the Act)—
- (a) in paragraph (1)(a)(i) after “provision of FIC” insert “or Regulation 828/2014”;
- (b) in paragraph (2)(a) after “provision of FIC” insert “or Regulation 828/2014”.
- (5) In Schedule 1 (provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3))—
- (a) in the heading after “FIC” insert “or Regulation 828/2014”; and
- (b) in the first line, after “except for the definition of “FIC””, insert “and Regulation 828/2014”.
- (6) In Schedule 4 (application and modification of provisions of the Act)—
- (a) in Part 1, paragraph 1—
- (i) at the end of subsection (1A)(c) omit “or”;

- (ii) at the end of subsection (1A)(d)(iii) omit “or”;
  - (iii) at the end of subsection (1A)(d)(iv) for “.” substitute—
    - “; or
    - (e) a provision of Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food specified in the table in Part 4 of Schedule 5 to the Food Information Regulations (Wales) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations).”;
  - (b) in Part 2, paragraph 2, in paragraph (a)(iii) after “any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council” insert “or Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food”.
- (7) In Schedule 5 (improvement notices – specified FIC provisions)—
- (a) in the heading, omit “FIC”;
  - (b) after Part 3 insert—

## “PART 4

### Regulation 828/2014 provisions in relation to which improvement notices may be served on and from 20 July 2016

<i>Provision of Regulation 828/2014</i>	<i>Provision to be read with the provision of Regulation 828/2014</i>
Article 3(1)	Articles 1(3), 6, 7 and 36(1) and (2) of FIC and Articles 2 and 3(2) and (3) of and the Annex to Regulation 828/2014
Article 4	Article 2 of Regulation 828/2014”.

### **Revocation**

3. The Foodstuffs Suitable for People Intolerant to Gluten (Wales) Regulations 2010(6) are revoked.

*Rebecca Evans*  
Minister for Social Services and Public Health  
under authority of the Cabinet Secretary for  
Health, Well-being and Sport, one of the Welsh  
Ministers

22 June 2016

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the execution and enforcement of Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food (OJ No L 228, 31.7.2014, p 5) (“Regulation 828/2014”).

These Regulations amend the Food Information (Wales) Regulations 2014 (S.I. 2014/2303 (W. 227)) (“FIR”) by—

- (a) inserting a definition of Regulation 828/2014 and providing that any reference in FIR to Regulation 828/2014 is to be construed as a reference to that Regulation as it may be amended from time to time (*regulation 2(2), 2(5)*);
- (b) providing that food authorities may, on and from 20 July 2016, issue improvement notices, or prosecute immediately, for failures to comply with Articles 3(1) and 4 of Regulation 828/2014 (*regulation 2(3), 2(4)(a), 2(6)(a), 2(7)*);
- (c) giving authorised officers of a food authority or a port health authority power to enter property to ascertain whether there is, or has been, any contravention of Articles 3(1) and 4 of Regulation 828/2014 (*regulation 2(4)(b), 2(6)(b)*).

These Regulations also revoke the Foodstuffs Suitable for People Intolerant to Gluten (Wales) Regulations 2010 (S.I. 2010/2651 (W. 219)) (*regulation 3*).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.