

This Statutory Instrument has been made in consequence of defects in S.I. 1990/2490 caused by the amendments made to it by S.I. 2000/2254 and is being issued free of charge to all known recipients of S.I. 2000/2254.

STATUTORY INSTRUMENTS

2002 No. 1922

FOOD, ENGLAND

**The Food (Control of Irradiation) (Amendment) (England)
Regulations 2002**

<i>Made - - - - -</i>	<i>23rd July 2002</i>
<i>Laid before Parliament</i>	<i>24th July 2002</i>
<i>Coming into force - -</i>	<i>14th August 2002</i>

The Secretary of State, in exercise of the powers conferred on him by sections 16(1) and (3), 17(1), 18(1), 19(1)(b), 26, 45 and 48(1) of and paragraphs 1 and 4(b) of Schedule 1 to the Food Safety Act 1990(a) and now vested in him(b) 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(c) and in accordance with section 48(4) and (4B) of the Food Safety Act 1990;

Makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Food (Control of Irradiation) (Amendment) (England) Regulations 2002; they extend to England only and come into force on 14th August 2002.

(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 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 1990 Act. Regulation 13(4) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656) expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if 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.

Amendments to the Food (Control of Irradiation) Regulations 1990

2.—(1) The Food (Control of Irradiation) Regulations 1990(a) are amended insofar as they extend to England in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the definition of “the Directives” is revoked.

(3) In regulation 7 (activities taking place in Northern Ireland) the phrase “, as the case may be” is revoked in the two places where it appears.

(4) In paragraph 1(gg) of Part I of Schedule 1 (irradiation licences)—

- (a) the words “the identity and qualifications” are substituted for the word “details”; and
- (b) the words “and that person’s position within the applicant’s management structure” are inserted at the end.

(5) In paragraph 1(1)(a) of Part III of Schedule 1—

- (a) the words “one of the seven permitted” are revoked; and
- (b) the words “will remain appropriate if that variation is effected” are substituted for the words “are appropriate to the new description of food”.

(6) In paragraph 2(a)(i) of Part VI of Schedule 1, the sum “£1,500” is substituted for the sum “£1,5000”.

(7) In sub-paragraphs (3), (4) and (5) of paragraph 3 of Part II of Schedule 2 (importation of food) the words “or territory” are inserted after the word “country” in each place where it appears.

(8) In paragraph 3(4) of Part II of Schedule 2, the phrase “sub-paragraph (3)” is substituted for the phrase “sub-paragraph (2)”.

Signed by authority of the Secretary of State for Health

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

23rd July 2002

(a) S.I. 1990/2490, amended by S.I. 2000/656 and S.I. 2000/2254.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food (Control of Irradiation) Regulations 1990 (S.I. 1990/2490, as already amended) in so far as they extend to England.
2. They correct errors in the Food (Control of Irradiation Regulations) 1990 (which extend to the whole of Great Britain) which were caused by the amendments made to them in relation to England by the Food Irradiation Provisions (England) Regulations 2000 (S.I. 2000/2254).
3. This instrument is being issued free of charge to all known recipients of S.I. 2000/2254.
4. No regulatory impact assessment has been carried out in respect of these Regulations.

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