

2007 No. 1615

FOOD, ENGLAND

**The Spreadable Fats (Marketing Standards) (England)
(Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>6th June 2007</i>
<i>Laid before Parliament</i>	<i>12th June 2007</i>
<i>Coming into force</i> - -	<i>12th July 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a), and now vested in her(b).

In accordance with section 48(4A) of that Act she has had regard to relevant advice given by the Food Standards Agency.

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), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title and commencement

1. These Regulations may be cited as the Spreadable Fats (Marketing Standards) (England) (Amendment) Regulations 2007 and come into force on 12th July 2007.

Amendment of the Spreadable Fats (Marketing Standards) (England) Regulations 1999

2.—(1) The Spreadable Fats (Marketing Standards) (England) Regulations 1999(d) are amended in accordance with paragraph (2).

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- (a) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999Act”. Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990.
- (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 1999 Act. Those functions, 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. 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 1999 Act.
- (c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended as at the date these Regulations are made by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3).
- (d) S.I. 1999/2457, as previously amended by SI 2005/2626.

(2) In regulation 2(1) (interpretation), for the definition of the Commission Regulation substitute—

““the Commission Regulation” means Commission Regulation (EC) No.445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(a);”.

Signed by Authority of the Secretary of State for Health

6th June 2007

Caroline Flint
Minister of State
Department of Health

(a) OJ No. L. L106, 24.4.2007, p.24.

EXPLANATORY NOTE

(This note is not part of the Order)

1. These Regulations amend the definition of the “the Commission Regulation” contained in the Spreadable Fats (Marketing Standards) (England) Regulations 1999 (S.I. 1999/2457, as amended), “the 1999 Regulations”.

2. In amending that definition in the 1999 Regulations, these Regulations provide for the execution and enforcement of Commission Regulation (EC) No.445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products (OJ No. L106, 24.4.2007, p.24). Commission Regulation (EC) No. 445/2007 revoked and replaced without further amendment Commission Regulation (EC) No. 577/97 as amended.

3. A full regulatory impact assessment has not been prepared for these Regulations because no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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