
STATUTORY INSTRUMENTS

2011 No. 2945

FOOD

**The Charges for Residues Surveillance
(Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>6th December 2011</i>
<i>Laid before Parliament</i>		<i>13th December 2011</i>
<i>Coming into force</i>	- -	<i>9th January 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45 and 48(1)(b) of the Food Safety Act 1990⁽¹⁾ and now vested in the Secretary of State⁽²⁾.

In accordance with section 48(4A) of that Act the Secretary of State has had regard to advice given by the Food Standards Agency on the proposal to make the Regulations.

In accordance with 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⁾, the Secretary of State has consulted those whom the Secretary of State considered likely to be affected by the Regulations.

-
- (1) 1990 c. 16. Sections 45 and 48 were amended by Schedule 5 to the Food Standards Act 1999 (c. 28): paragraphs 7, 8 and 20 of that Schedule amended section 45 and paragraphs 7, 8 and 21 amended section 48.
- (2) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State. In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act. In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers, having been transferred by section 162 of, and paragraph 32(a) of Schedule 11 to, the government of Wales Act 2006 (c. 32). However the Ministers of the Crown responsible retained a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38) re-enacted by paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32) (as read in conjunction with paragraph 26(1) of Schedule 11 to that Act): that concurrent power became vested in the Secretary of State in consequence of section 40(1) of and Schedule 5 to the Food Standards Act 1999 (c. 28), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by Regulation 13 of S.I. 2000/656, to join in making regulations concerning charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of S.I. 2002/794.
- (3) OJ No. L31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No 202/2008 (OJ No. L60, 5.3.2008, p. 17).