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STATUTORY INSTRUMENTS

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**2013 No. 1768**

**FOOD**

**The Fish Labelling Regulations 2013**

*Made* - - - - *15th July 2013*

*Laid before Parliament* *18th July 2013*

*Coming into force* - - *2nd September 2013*

The Secretary of State makes the following Regulations (except so far as relating to regulations 3 and 4 so far as they extend to Northern Ireland) in exercise of the powers conferred by sections 6(4)(1), 16(1)(2), 17(2)(3), 26(2)(a) and (3)(4) and 48(1)(5) of the Food Safety Act 1990(6) and paragraph 1A of Schedule 2 to the European Communities Act 1972(7).

The Secretary of State is designated(8) for the purposes of section 2(2) of the European Communities Act 1972(9) in relation to the common agricultural policy and makes these Regulations so far as relating to regulations 3 and 4 so far as they extend to Northern Ireland under the powers conferred by that section and paragraph 1A of Schedule 2 to the European Communities Act 1972.

In accordance with section 48(4A)(10) of the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

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- (1) Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40); section 40(1) of, and paragraphs 7, 10(1) and (3) of Schedule 5 to, the Food Standards Act 1999 (c. 28), section 40(4) of, and Schedule 6 to, that Act and S.I. 2002/794.
  - (2) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999.
  - (3) Section 17(2) was amended by section 40(1) of, and paragraphs 7, 8 and 12 of Schedule 5 to, the Food Standards Act 1999 and S.I. 2011/1043.
  - (4) Section 26(3) was partially repealed by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.
  - (5) Section 48(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999.
  - (6) 1990 c.16. 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 by the Secretary of State in relation to England pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999. The power of the Secretary of State to make regulations which apply in Wales or extend to Scotland remains exercisable in relation to functions that are not “exercisable in relation to Wales” under the National Assembly for Wales (Transfer of functions) Order 1999 (S.I. 1999/672) nor “exercisable in or as regards Scotland” under the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2005 (S.I. 2005/849), respectively.
  - (7) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).
  - (8) S.I. 1972/1811.
  - (9) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The power of the Secretary of State, as a designated Minister, to make regulations which extend to Northern Ireland remains exercisable by virtue of article 3(2) of S.I. 2000/2812.
  - (10) Section 48(4A) was inserted by section 40(1) of, and paragraphs 7 and 21 of Schedule 5 to, the Food Standards Act 1999.

- (a) Council Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products(11);
- (b) Commission Regulation (EC) No 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products(12);
- (c) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(13); and
- (d) Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy(14).

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

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(11) OJ No L 17, 21.1.2000, p 22, as last amended by OJ No L349, 19.12.2012, p4.

(12) OJ No L 278, 23.10.2001, p 6, as last amended by OJ No L 362, 20.12.2006, p 1.

(13) OJ No L 343, 22.12.2009, p 1.

(14) OJ No L 112, 30.4.2011, p 1, as amended by OJ No L 328, 10.12.2011, p 58.

(15) OJ No L 31, 1.2.2002, p 1, as last amended by OJ No L 188, 18.7.2009, p 14.