
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, revoke and replace the Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596) and revoke the Condensed Milk and Dried Milk (England) (Amendment) Regulations 2008 (S.I. 2008/85). They implement Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk products intended for human consumption (OJ No L 15, 17.1.02, p 19).

Regulation 2 and Schedules 1 and 2 define condensed milk and dried milk products and the reserved descriptions that apply to them.

Regulation 3 prohibits the labelling with reserved descriptions of food other than the designated condensed and dried milk products to which they relate.

Regulation 4 sets out the labelling requirements for designated condensed and dried milk products.

Regulation 5 sets out the manner of marking or labelling in accordance with Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (OJ No L 304, 22.11.11, p 18) which will apply to the way in which the particulars required by regulation 4 must be presented.

Regulation 6 and Schedule 3 apply certain provisions of the Food Safety Act 1990 (1990 c. 16) with modifications. This includes the application of section 10(1) (with modifications) and (2), enabling an improvement notice to be served to require compliance with regulations 3, 4 and 5. The provisions, as applied, make the failure to comply with an improvement notice an offence under section 10(2).

Regulation 7 imposes an obligation on food authorities to enforce these Regulations.

Regulation 8 revokes previous Regulations (as set out above).

Regulation 9 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

No impact assessment has been prepared for this instrument as no impact, or no significant impact, on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (England) Regulations 2015.