
STATUTORY INSTRUMENTS

2015 No. 787

FOOD, ENGLAND
FOOD, SCOTLAND

**The Animals and Animal Products (Examination
for Residues and Maximum Residue Limits)
(England and Scotland) Regulations 2015**

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| <i>Made</i> | - - - - | <i>18th March 2015</i> |
| <i>Laid before Parliament</i> | | <i>20th March 2015</i> |
| <i>Coming into force</i> | - - | <i>1st July 2015</i> |

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ (“the 1972 Act”) in relation to measures in the veterinary and phytosanitary fields for the protection of public health⁽²⁾ and in relation to the common agricultural policy of the European Union⁽³⁾.

The Secretary of State has carried out the consultation 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⁽⁴⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for any reference in these Regulations to the Annexes to Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists⁽⁵⁾, to Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products⁽⁶⁾ and to Commission Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin⁽⁷⁾ to be construed as a reference to those Annexes as amended from time to time.

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- (1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).
- (2) S.I. 1999/2027.
- (3) S.I. 1972/1811.
- (4) OJNo. L31, 1.2.2002, p.1, as last amended by Regulation (EU) No. 652/2014 (OJ No. L189, 27.6.2014, p.1).
- (5) OJ No L125, 23.5.1996, p.3, as last amended by Directive 2008/97/EC (OJ No L318, 28.11.2008, p.9).
- (6) OJ No.L125, 23.5.1996, p.10, as last amended by Directive 2013/20/EU (OJ No. L158, 10.6.2013, p.234).
- (7) OJ No. L15, 20.1.2010, p.1, as last amended by Commission Implementing Regulation (EU) No. 967/2014 (OJ No. L272, 13.9.2014, p.3).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2(8) to, the 1972 Act, and by sections 16(1)(a), (b) and (f) and (3), 17(1) and (2), 26(1) and 48(1) of, and paragraph 7 of Schedule 1 to, the Food Safety Act 1990(9), and section 14A of the Interpretation Act 1978(10) and now vested in the Secretary of State(11).

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- (8) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).
- (9) 1990 c. 16.
- (10) 1978 c.30. Section 14A was inserted by section 59(1) and (2) of the Enterprise and Regulatory Reform Act 2013 (c.24).
- (11) 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 then transferred to the Welsh Ministers by paragraph 30 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); that concurrent power became vested in the Secretary of State in consequence of section 40 of and Schedules 5 and 6 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 the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), to join in making regulations in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002. Schedule 3 to the Government of Wales Act 1998 was repealed by the Government of Wales Act 2006 (c. 32); the concurrent power of Ministers of the Crown is now contained in paragraph 5 of Schedule 3 to that Act.