

2019 No. 150

EXITING THE EUROPEAN UNION, ENGLAND

FOOD, ENGLAND

The Food (Amendment) (England) (EU Exit) Regulations 2019

Made - - - - *30th January 2019*

Laid before Parliament *1st February 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 6(4), 16(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a).

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(b).

There has been consultation 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).

Citation and commencement

1. These Regulations may be cited as the Food (Amendment) (England) (EU Exit) Regulations 2019 and come into force on exit day.

The Food (Lot Marking) Regulations 1996

- 2.—(1) The Food (Lot Marking) Regulations 1996(d) are amended as follows.
- (2) In regulation 2 omit the definition of “first seller established within the European Union”.
- (3) In regulation 3(2)(a), for “European Union” substitute “United Kingdom”.

(a) 1990 c. 16. Section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6, the Food Standards Act 1999 (c. 28) (“the 1999 Act”), Schedule 5, paragraphs 10(1) and (3) and Schedule 6, and S.I. 2002/794. Section 16(1) was amended by the 1999 Act, Schedule 5, paragraph 8. Section 26(3) was amended by the 1999 Act, Schedule 6, and (as read with section 35) modified by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10), section 85(2). Section 48(1) was amended by the 1999 Act, Schedule 5, paragraph 8.

(b) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.

(c) OJ No. L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.

(d) S.I. 1996/1502, relevant amending instruments are S.I. 2011/1043, 2014/1855.

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

3.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(a) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “authorised activated alumina treatment”, in paragraph (b) omit “or from another EEA State”;
- (b) in the definition of “authorised ozone-enriched air oxidation technique”, for paragraph (b) substitute—

“(b) in the case of water brought into England from other parts of the United Kingdom, a treatment that complies with the relevant bottled water legislation that applies in that part of the United Kingdom;”;

- (c) omit the definition of “Directive 2003/40(b)”;
- (d) after the definition of “relevant authority” insert—

““relevant bottled water legislation” means—

- (a) in relation to Northern Ireland, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(c);
- (b) in relation to Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(d);
- (c) in relation to Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(e);”;

(e) after the definition of “sell” insert—

““third country” means any country, other than the United Kingdom, and includes—

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey;
- (c) the Isle of Man;”.

(3) In regulation 3(1)(d), for “country other than an EEA State” substitute “third country”.

(4) In regulation 4—

(a) in paragraph (1)—

- (i) in sub-paragraph (b), for “pursuant to Directive 2009/54(f)” substitute “under the relevant bottled water legislation”;
- (ii) omit sub-paragraph (c);
- (iii) in sub-paragraph (d)—

(aa) in the words before paragraph (i), for “country other than an EEA State” substitute “third country”;

(bb) in paragraph (ii) omit sub-paragraph (bb) and the “or” immediately preceding it;

- (b) in paragraph (7)(b), for “country other than an EEA State” substitute “third country”;
- (c) omit paragraph (8).

(5) Omit regulation 16(5)(a)(i) (together with the following “and”).

(6) In Schedule 3, in Part 2—

(a) S.I. 2007/2785, relevant amending instruments are S.I. 2009/1598, 2010/433, 2011/451, 2018/352.
(b) OJ No. L 126, 22.5.2003, p. 34.
(c) S.R. 2015 No. 365, amended by S.R. 2017 No 201.
(d) S.S.I. 2007/483, relevant amending instruments are S.S.I. 2009/273, 2010/89, S.I. 2011/1043.
(e) S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229).
(f) OJ No. L 164, 26.6.2009, p. 45.

- (a) in the heading, for “Country Other than an EEA State” substitute “Third Country”;
 - (b) in paragraph 1, for “country other than an EEA State” substitute “third country”.
- (7) In Schedule 12, in paragraph 8(5)—
- (a) in the definition of “certificate of conformity” omit paragraph (b) and the “or” immediately preceding it;
 - (b) in the definition of “declaration of conformity” omit paragraph (b) and the “or” immediately preceding it.

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008

4.—(1) The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008(a) are amended as follows.

- (2) In regulation 2(1)—
- (a) omit the definition of “EU provision”;
 - (b) after the definition of “sell by retail” insert—
 - ““specified provision” means a provision referred to in regulation 6(2).”.
- (3) In regulation 5, for “EU” substitute “specified”.
- (4) In regulation 6—
- (a) for paragraph (1) substitute—
 - “(1) Any person who contravenes, or fails to comply with, a specified provision is guilty of an offence and liable on summary conviction to a fine.”;
 - (b) in paragraph (2), in the words before sub-paragraph (a), for “EU” substitute “specified”.
- (5) In regulation 7(2), for “EU” substitute “specified”.

The Food Information Regulations 2014

5. In the Food Information Regulations 2014(b), in Schedule 5, in Part 2, in the table omit the entries numbered 33 and 34.

The Country of Origin of Certain Meats (England) Regulations 2015

6. In the Country of Origin of Certain Meats (England) Regulations 2015(c), in regulation 3(a), for “member State or third” substitute “single”.

The Honey (England) Regulations 2015

7. In the Honey (England) Regulations 2015(d), after regulation 18, insert—

“Methods of analysis

18A. In carrying out its obligations under regulation 18, a food authority must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations.”.

(a) S.I. 2008/1287, relevant amending instruments are S.I. 2011/1043, 2013/2854, 3235.
 (b) S.I. 2014/1855, to which there are amendments not relevant to these Regulations.
 (c) S.I. 2015/518.
 (d) S.I. 2015/1348.

30th January 2019

David Rutley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of food composition and labelling.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

ISBN 978-0-11-118012-9

