

SCHEDULE 2

Regulation 5(3)(e), (16)(a), (23)(b) and  
(28)(b)

Regulation (EU) No 1169/2011 of the European Parliament and of the Council: amendments

PART 1

Article 2(2), new points: points (v) to (z)

- “(v) ‘the appropriate authority’ means:
- (i) as regards type B regulations:
    - (aa) in relation to Great Britain, the Secretary of State;
    - (bb) in relation to Northern Ireland, the Department for the Economy;
  - (ii) in all other cases:
    - (aa) in relation to England, the Secretary of State;
    - (bb) in relation to Northern Ireland, the Department of Health;
    - (cc) in relation to Scotland, the Scottish Ministers;
    - (dd) in relation to Wales, the Welsh Ministers;
- (w) ‘enactment’ includes enactments of the type specified in subparagraphs (a) to (f) of the definition of ‘enactment’ in section 20(1) of the European Union (Withdrawal) Act 2018 but not enactments of the type specified in subparagraphs (g) and (h);
- (x) ‘EU-derived domestic legislation’ has the meaning given in section 2(2) of the European Union (Withdrawal) Act 2018;
- (y) ‘type A regulations’, in any provision of this Regulation, means:
- (i) in relation to England, any regulations made by the Secretary of State under the Food Safety Act 1990<sup>(1)</sup> using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question;
  - (ii) in relation to Northern Ireland, any regulations made by the Department of Health under the Food Safety (Northern Ireland) Order 1991<sup>(2)</sup> using a power in that Order that enables the Department to make regulations relating to the matter specified in the provision in question;
  - (iii) in relation to Scotland, any regulations made by the Scottish Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;
  - (iv) in relation to Wales, any regulations made by the Welsh Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;
- (z) ‘type B regulations’, in any provision of this Regulation, means:
- (i) in relation to Great Britain, regulations made by the Secretary of State under the Weights and Measures Act 1985 using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question;

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(1) 1990 c.16.

(2) S.I. 1991/762 (N.I. 7), as amended by S.I. 1996/1663 (N.I. 12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 (c. 28) and S.R. 2004 Nos.482 and 505.

*Status: This is the original version (as it was originally made).*

- (ii) in relation to Northern Ireland, regulations made by the Department for the Economy under the Weights and Measures (Northern Ireland) Order 1981 using a power in that Order that enables the Department to make regulations relating to the matter specified in the provision in question.”

## PART 2

### Article 29(1), points (a) and (b): substituted points

- “(a) the following legislation relating to food supplements:
  - (i) in relation to food supplied in England, the Food Supplements (England) Regulations 2003(3);
  - (ii) in relation to food supplied in Northern Ireland, the Food Supplements Regulations (Northern Ireland) 2003(4);
  - (iii) in relation to food supplied in Scotland, the Food Supplements (Scotland) Regulations 2003(5);
  - (iv) in relation to food supplied in Wales, the Food Supplements (Wales) Regulations 2003(6);
- (b) the following provisions relating to the exploitation and marketing of natural mineral waters and spring waters:
  - (i) in relation to water supplied in England, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(7);
  - (ii) in relation to water supplied in Northern Ireland, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(8);
  - (iii) in relation to water supplied in Scotland, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(9);
  - (iv) in relation to water supplied in Wales, Parts 2 and 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(10).”

## PART 3

### Article 42: new second paragraph

“The specified legislation is:

- (a) in relation to food supplied in England, Scotland and Wales:
  - (i) the Weights and Measures (Miscellaneous Foods) Order 1988(11);
  - (ii) the Weights and Measures (Packaged Goods) Regulations 2006(12);

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(3) S.I. 2003/1387, amended by S.I. 2005/2626, 2009/3251, 2011/1043, 2014/1855.

(4) S.R. 2003 No. 273, amended by S.R. 2005/574, 2009/407, 2014/223.

(5) S.S.I. 2003/278, amended by S.S.I. 2005/616, 2009/438, S.I. 2011/1043, S.S.I. 2014/312.

(6) S.I. 2003/1719 (W. 186), amended by S.I. 2005/3254 (W. 247), 2009/3252 (W. 282), 2011/1043, 2014/2303 (W. 227).

(7) S.I. 2007/2785; relevant amending instruments are S.I. 2009/1598, 2010/433, 2011/451, 1043.

(8) S.R. 2015 No. 365, amended by S.R. 2017/201.

(9) S.S.I. 2007/483; relevant amending instruments are S.S.I. 2009/273, 2010/89, S.I. 2011/1043.

(10) S.I. 2015/1867 (W. 274), amended by S.I. 2017/935 (W. 229); there are other amending instruments but none is relevant.

(11) S.I. 1988/2040, amended by S.I. 1990/1550, 1994/2868, 2006/659, 2009/663, 2014/2975.

(12) S.I. 2006/659, amended by the Consumer Rights Act 2015 (2015 c. 15), section 78, and by SI 2013/1478, 2014/2975, 2015/1630, 2019/5.

- (b) in relation to food supplied in Northern Ireland:
- (i) the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989**(13)**;
  - (ii) the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011**(14)**.”

## PART 4

### Annex 6, Part B, point 3: substituted point

“**3.** Minced meat that does not comply with the criteria laid down in point 1 of this Part may be placed on the market:

- (a) in England, if the mark in Part 1 of Schedule 2 to the Food Information Regulations 2014**(15)** is used to identify the minced meat in accordance with regulation 4 of those Regulations;
- (b) in Northern Ireland, if the mark in Part 1 of Schedule 2 to the Food Information Regulations (Northern Ireland) 2014**(16)** is used to identify the minced meat in accordance with regulation 4 of those Regulations;
- (c) in Scotland, if the mark in Part 1 of Schedule 1 to the Food Information (Scotland) Regulations 2014**(17)** is used to identify the minced meat in accordance with regulation 4 of those Regulations;
- (d) in Wales, if the mark in Part 1 of Schedule 2 to the Food Information (Wales) Regulations 2014**(18)** is used to identify the minced meat in accordance with regulation 4 of those Regulations.”

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**(13)** S.R. 1989 No. 69, amended by S.R. 1990 No. 395, 1995 No. 230, 2010 No. 203, 2011 No. 331, 2016 No. 187.

**(14)** S.R. 2011 No. 331, amended by the Consumer Rights Act 2015 (2015 c. 15), section 78, by SI 2013/1478, 2015/1630 and by S.R. 2016 No. 187.

**(15)** S.I. 2014/1855, to which there are amendments not relevant to these Regulations.

**(16)** S.R. 2014 No. 223, to which there are amendments not relevant to these Regulations.

**(17)** S.S.I. 2014/312, to which there are amendments not relevant to these Regulations.

**(18)** S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.