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## STATUTORY INSTRUMENTS

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# 2019 No. 641

## The General Food Law (Amendment etc.) (EU Exit) Regulations 2019

### PART 1

#### Introduction

#### Citation and commencement

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

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#### Commencement Information

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Interpretation

2. In these Regulations—

“Regulation 178/2002” means 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;

“Regulation 16/2011” means Commission Regulation (EU) No. 16/2011 laying down implementing measures for the Rapid alert system for food and feed;

“Regulation 931/2011” means Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation [\(EC\) No. 178/2002](#) of the European Parliament and of the Council for food of animal origin.

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#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 2

### Amendment of subordinate legislation

#### Amendment of the Food Safety and Hygiene (England) Regulations 2013

3. The Food Safety and Hygiene (England) Regulations 2013 <sup>M1</sup> are amended as follows.

##### Commencement Information

**I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

##### Marginal Citations

**M1** [S.I. 2013/2996](#), amended by [S.I. 2014/1855](#), [S.I. 2014/2748](#), [S.I. 2014/2885](#) and [S.I. 2016/868](#).

[<sup>F1</sup>**3A.** In regulation 19—

- (a) in paragraph (1), for “(8)” substitute “ (9) ”;
- (b) after paragraph (8), substitute—

“(9) A person is to be considered not to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if—

- (a) in the case of a health mark—
  - (i) the health mark was applied to a product of animal origin in accordance with Article 5(1) before IP completion day; and
  - (ii) the health mark complied with Article 5(1) as that Article applied immediately before IP completion day;
- (b) in the case of an identification mark—
  - (i) the identification mark was applied to a product of animal origin subject to Article 5(1) before IP completion day; or
  - (ii) the identification mark is applied to a product of animal origin in accordance with Article 5(1) as that Article applied immediately before IP completion day, no later than 21 months after IP completion day ends, using a label, wrapping or packaging bearing that identification mark which is owned by the food business operator immediately before IP completion day.”.]

##### Textual Amendments

**F1** Reg. 3A inserted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\), 10\(2\)](#)

##### Commencement Information

**I4** Reg. 3A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

4. For Schedule 2, substitute the Schedule set out in the Schedule to these Regulations.

**Commencement Information**

- 15** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 3

### Amendment of retained direct EU legislation

#### Amendment of Regulation 178/2002

5. Regulation 178/2002 is amended as follows.

**Commencement Information**

- 16** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

6. In Article 1—

- (a) in paragraph 1, omit “internal”;
- (b) in paragraph 2, omit “at Community and national level. It establishes the European Food Safety Authority.”.

**Commencement Information**

- 17** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

7. In Article 3—

- (a) in paragraph 1, omit “whether at Community or national level”;
- [<sup>F2</sup>(b) at the end insert—

“19. “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;

20. “third country” means any country or territory other than the British Islands.”.]

**Textual Amendments**

**F2** Reg. 7(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(3)**

**Commencement Information**

**I8** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**8.** In Article 4, omit paragraphs 3 and 4.

**Commencement Information**

**I9** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**9.** In Article 5—

(a) omit paragraph 2;

[<sup>F3</sup>(b) in paragraph 3, for “the Community” substitute “ Great Britain ”.]

**Textual Amendments**

**F3** Reg. 9(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(4)**

**Commencement Information**

**I10** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**10.** In Article 6(3), omit “in particular, the opinions of the Authority referred to in Article 22,”.

**Commencement Information**

**I11** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[<sup>F4</sup>**11.** In Article 7, in both places it occurs, for “the Community” substitute “ Great Britain ”.]

#### Textual Amendments

- F4** Reg. 11 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(5)**

#### Commencement Information

- I12** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**12.** In Article 10, at the beginning, omit “Without prejudice to the applicable provisions of Community and national law on access to documents,”.

#### Commencement Information

- I13** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[<sup>F5</sup>**13.** For Article 11 substitute—

#### “Food and feed imported into Great Britain

**11.** Food and feed imported into Great Britain for placing on the market within Great Britain must comply with the relevant requirements of food law or conditions recognised by Great Britain to be at least equivalent thereto or, where a specific agreement exists between the United Kingdom and an exporting country, with requirements contained therein.”.]

#### Textual Amendments

- F5** Reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(6)**

#### Commencement Information

- I14** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**14.** In Article 12—

- [<sup>F6</sup>(a) in the heading, for “the Community” substitute “ Great Britain ”;  
(b) in paragraph 1, in both places it occurs, for “the Community” substitute “ Great Britain ”;]  
(c) for paragraph 2, substitute—

“**2.** Where the provisions of a bilateral agreement concluded between the United Kingdom and a third country are applicable, food and feed exported from the United Kingdom to that third country must comply with those provisions.”.

#### Textual Amendments

- F6** Reg. 14(a)(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(7)(a)**

#### Commencement Information

- I15** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 15. In Article 13—

- (a) at the beginning, for “Without prejudice to their rights and obligations, the Community and the Member States shall.”, substitute “ The appropriate authorities must— ”;

[<sup>F7</sup>(b) in paragraph (e), for “the Community” substitute “ Great Britain ”.]

#### Textual Amendments

- F7** Reg. 15(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(8)**

#### Commencement Information

- I16** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 16. In Article 14—

[<sup>F8</sup>(a) in paragraph 7—

- (i) in the first place it occurs, for “Community provisions” substitute “ legislation in force in the relevant constituent territory of Great Britain ”;

(ii) omit “Community” in the second place it occurs;]

(b) omit paragraph 9.

#### Textual Amendments

- F8** Reg. 16(a) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(9)**

#### Commencement Information

- I17** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### 17. In Article 15—

[<sup>F9</sup>(a) in paragraph 4—

- (i) in the first place “Community provisions” occurs, substitute “legislation in force in the relevant constituent territory of Great Britain”;
  - (ii) in the second place “Community provisions” occurs, omit “Community”;
- (b) omit paragraph 6.

**Textual Amendments**

**F9** Reg. 17(a) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(10)**

**Commencement Information**

**I18** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**18.** In Article 17, omit—

- (a) paragraph 2;
- (b) the words from and including “For that purpose” to and including “dissuasive”.

**Commencement Information**

**I19** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**19.** In Article 18—

- [<sup>F10</sup>(a) in paragraph (4), for “the Community” substitute “ Great Britain ”];
- [<sup>F11</sup>(b) for paragraph (5) substitute—

“5. The appropriate authority may make regulations for the purpose of applying the requirements of this Article in respect of specific sectors.”]

<sup>F12</sup>(c) .....

**Textual Amendments**

**F10** Reg. 19(a) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(11)(a)**

**F11** Reg. 19(b) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(11)(b)**

**F12** Reg. 19(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(11)(c)**

#### Commencement Information

**I20** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

#### 20. Omit—

- (a) Article 21;
- (b) Chapter 3;
- [<sup>F13</sup>(c) Chapter 4 except Article 53.]

#### Textual Amendments

**F13** Reg. 20(c) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **10(12)**

#### Commencement Information

**I21** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

#### [<sup>F14</sup>20A. In Article 53—

- (a) in the heading, omit “of Community origin or imported from a third country”;
- (b) in paragraph 1—
  - (i) for the text before subparagraph (a), substitute—
 

“Where it is evident that food or feed originating in the United Kingdom, or imported into Great Britain from outside the United Kingdom, is likely to constitute a serious risk to human health, animal health or the environment, the appropriate authority may made regulations, containing one or more the following measures, depending on the gravity of the situation—”;
  - (ii) in subparagraph (a), for “of Community origin” substitute “originating in the United Kingdom ”;
  - (iii) for the opening line of subparagraph (b), substitute—
 

“(b)in the case of food or feed imported from outside the United Kingdom—”;
  - (iv) in subparagraphs (b)(i) and (ii), omit “third”;
- (c) omit paragraph 2.]

#### Textual Amendments

**F14** Reg. 20A inserted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), **10(13)**

#### Commencement Information

**I22** Reg. 20A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)



21. In Chapter 5—  
[<sup>F15</sup>(aa) for Article 57a substitute—

*“Article 57a  
Procedure*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
3. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.
5. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
6. Regulations made under this Regulation may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision;
  - (b) make different provision for different purposes.”.]
  - (a) omit Article 58, 59, 60, 61, 62, 63 and 64;
  - (b) in Article 65, omit—

“Articles 29, 56, 57 and 60 and Article 62(1) shall apply as from the date of appointment of the members of the Scientific Committee and of the Scientific Panels which shall be announced by means of a notice in the ‘C’ series of the Official Journal.”.

**Textual Amendments**

**F15** Reg. 21(aa) inserted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **10(14)**

**Commencement Information**

**I23** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

22. After Article 65, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I24** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Amendment of Regulation 931/2011**

23. Regulation 931/2011 is amended as follows.

**Commencement Information**

**I25** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

24. In Article 3(2), omit “Union”.

**Commencement Information**

**I26** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

25. After Article 4, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

**Commencement Information**

**I27** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

## PART 4

### Revocation of retained direct EU legislation

**Revocation of Regulation 16/2011**

26. Regulation 16/2011 is revoked.

**Commencement Information**

**I28** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Signed by the authority of the Secretary of State for Health and Social Care.

Department of Health and Social Care

*Steve Brine*  
Parliamentary Under-Secretary of State,

**Changes to legislation:**

There are currently no known outstanding effects for the The General Food Law (Amendment etc.) (EU Exit) Regulations 2019.