

EXPLANATORY MEMORANDUM TO
THE PRODUCTS CONTAINING MEAT ETC. (ENGLAND) (AMENDMENT)
REGULATIONS 2021

2021 No. 1271

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The amendments proposed in this secondary legislation are required to keep in force the minimum meat content requirements provided in the Products Containing Meat etc. (England) Regulations 2014 (the 2014 Regulations).

2.2 This Statutory Instrument (SI) will remove the expiry date of 13th December 2021 currently included in the 2014 Regulations, thereby keeping them in force and the compositional requirements for products containing meat the same across Great Britain.

2.3 At the same time this SI will extend to 1st October 2022 the period of adjustment during which the sale in England of certain products containing meat imported into England from European Union (EU) and European Economic Area (EEA) member states and Turkey remains permitted even if they do not meet our domestic rules in the 2014 Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

4.3 The SI is required for England only since analogous regulations in the other parts of the UK do not include expiry dates.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The 2014 Regulations include an expiry date which would cause the regulations to cease to have effect on 13th December 2021. An amendment is therefore being made to remove the expiry date from the 2014 Regulations.
- 6.2 A recognition clause, which allowed the sale in England of certain imported products containing meat even if they did not meet the compositional standards laid down in the 2014 Regulations, was removed in the [Food \(Amendment and Transitional Provisions\) \(England\) Regulations 2021](#) (the 2021 Regulations), subject to a transitional period. This transitional period expires on 12th December 2021, in keeping with the current expiry date of the 2014 Regulations. This is now being extended until 1st October 2022 to bring it into line with the transitional period provided for analogous amendments to other domestic food legislation in the 2021 Regulations.
- 6.3 The 2014 Regulations also contain amendments to the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007, which expired on 1st January 2015 and which are now being removed.
- 6.4 There is a statutory requirement to consult on changes to food law under Article 9 of retained (EC) regulation 178/2002.

7. Policy background

What is being done and why?

- 7.1 The expiry date is being removed from the Products Containing Meat etc. (England) Regulations 2014 so as to keep them in force beyond 13th December 2021.
- 7.2 The 2014 Regulations set minimum meat contents for several common products using certain names, including ‘sausage’, ‘burger’ and ‘pie’ and set out when added ingredients such as water or ingredients from other species need to be included in the name of the food. They also prohibit certain parts of the mammalian carcass in products that require further cooking from the point of sale. Without amendment the 2014 Regulations would expire on 13th December 2021 and these rules would no longer apply. Products with lower meat contents could use the product names regulated under the 2014 Regulations, reducing consumers’ ability to make informed choices about the products they buy, and food producers wishing to maintain the meat content standards would face new competition from products with lower meat content.
- 7.3 Analogous regulations are in place in Scotland, Wales and Northern Ireland, which however do not include expiry dates. Until 13th December 2021 the required minimum meat contents for products using the above names would remain the same in all parts of the UK. After this date, if the regulations in England were not amended, the rules would no longer apply in England.
- 7.4 A post implementation review of the regulations was carried out over the course of 2020 because the regulations included a provision requiring such a review five years after they came into force. Evidence gathered to inform this review was in favour of the regulations and established that they are effective in achieving their objectives by ensuring certain minimum quality standards for the benefit of consumers. The review process included a survey of industry stakeholders, and responses to this showed broad support for the measures.

- 7.5 It is therefore appropriate to keep the regulations in force in England also to maintain the established quality standards and to provide certainty for food producers and consumers.
- 7.6 The provision which required review of the original regulations, and which has now been fully implemented, is being removed.
- 7.7 Additionally, the period of adjustment, which was provided in the Food (Amendment and Transitional Provisions) (England) Regulations 2021 to allow businesses time to adjust to the removal of a recognition clause allowing certain imported products containing meat to be sold in England even if they do not meet the compositional rules in England, is being extended. Without this extension such products imported from the EU/EEA member states or Turkey would be required to meet minimum meat content rules in England after 12th December 2021. The proposed amendment extends this period until 1st October 2022 to bring it into line with the period of adjustment provided for similar amendments in relation to bread and flour, fruit curds and mincemeat and spreadable fats. Relevant meat products imported into England from other parts of the UK which were previously covered by this recognition clause may still be sold in England, even if they do not meet the English compositional rules, by virtue of the market access principles in the United Kingdom Internal Market Act 2020.
- 7.8 It should be noted that while the amendment to remove the recognition clause described in section 7.6 above was made as a consequence of EU exit, the provision now included in this SI to extend the period of adjustment is due to the circumstances of domestic regulations alone, since it was not possible at the time that the 2021 Regulations were made to provide a period of adjustment which extended beyond the expiry date of the 2014 Regulations as they then stood.
- 7.9 Provisions which are no longer in force are also being removed. They relate to definitions for and references to meat products and products containing meat in the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 Defra has no plans to consolidate the regulations amended by this SI at this time but will keep the matter under review.

10. Consultation outcome

In relation to keeping the regulations in force

- 10.1 A stakeholder survey and surveillance exercise involving analysis of product samples were carried out in 2020 as part of the post-implementation review of the Products Containing Meat etc. (England) Regulations 2014 referred to in paragraph 7.4 above. The results of these show that the regulations are effective and supported. The report of this post-implementation review has been published [here](#). There was some indication through the informal stakeholder survey to suggest that recent food science innovation and development relating to meat products and products that mimic meat

or offer an alternative protein source may need to be considered in future. Stakeholders were informed that legislative amendments to implement such changes would go far beyond these regulations and may affect other regulations instead. Therefore, the structure of such work would not form part of a statutory review of the regulations, but would involve considering all affected regulations and an extensive public consultation including an industry forum in a non-statutory review structure.

- 10.2 In addition to the survey and analysis we also carried out targeted consultation of industry stakeholders in June 2021 asking them to indicate their agreement or disagreement with our proposal to remove the expiry date from the regulations and retain them in force. We received no adverse comments in response to this additional informal consultation.

In relation to extending the period of adjustment

In 2021 we conducted a consultation on amending certain domestic food legislation in England. This consultation included questions on the appropriate length of transitional provisions to allow food businesses to adjust to the removal of recognition clauses relating to the sale in England of certain imported products containing meat, fruit curds and mincemeat and spreadable fats. There were varying views about the length of the planned period of adjustment with approximately 29% of respondents agreeing with our proposed length – until September 2022 –, 17% thinking it too long, 8% thinking it too short and 46% who did not know or did not answer. No one thought it was not needed. The summary of consultation responses and Government response to the consultation has been published [here](#).

11. Guidance

- 11.1 Existing guidance on the gov.uk website covering the Regulations which this SI amends will be supplemented to reflect the proposed amendments.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because it preserves the regulations and extends a period of adjustment currently in place. The 2014 Regulations were subject to an Impact Assessment in 2014 which established a low level of impact for affected businesses.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is to keep abreast of developments and industry practice in the sector – including by way of market surveillance – and consider whether it continues to be appropriate when changes occur or are requested.
- 14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister of State Victoria Prentis has made the following statement:

This secondary legislation is made to preserve the regulations currently in place requiring minimum meat content for specified products containing meat. The additional provision which extends a period of adjustment previously provided for certain imported products will have impacts far below £5 m per year. It is therefore inappropriate to include a statutory review clause.

15. Contact

- 15.1 Yvonne Riedel-Brown at the Department for Environment, Food and Rural Affairs; Telephone: 020 841 52222 or email: Yvonne.riedel-brown@defra.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Karen Lepper, Deputy Director for Consumers and Sustainability, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Victoria Prentis, Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.