

WELSH STATUTORY INSTRUMENTS

**2001 No. 1232 (W.66)**

**FOOD, WALES**

**The Food Irradiation Provisions (Wales) Regulations 2001**

*Made* - - - - - *22nd March 2001*

*Coming into force* - - - - - *1st May 2001*

The National Assembly for Wales in exercise of the powers conferred on it by sections 16(1) and (3), 17(1), 18(1), 19(1)(b), 26, 45 and 48(1) of and paragraphs 1 and 4(b) of Schedule 1 to the Food Safety Act 1990<sup>M1</sup>, having had regard in accordance with section 48A of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act makes the following Regulations:

**Marginal Citations**

**M1** 1990 c.16

**Title, application and commencement**

**1.** These Regulations may be cited as the Food Irradiation Provisions (Wales) Regulations 2001; they apply to Wales only and shall come into force on 1 May 2001

**Amendments to the Food (Control of Irradiation) Regulations 1990**

<sup>F1</sup>**2.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

<sup>F1</sup>**3.** .....

**Status:** Point in time view as at 31/07/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Food Irradiation Provisions (Wales) Regulations 2001 (revoked). (See end of Document for details)

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F14.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F15.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F16.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F17.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F18.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F19.** .....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**10. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**11. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**12. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**13. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**14. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1**15. ....

*Status: Point in time view as at 31/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The Food Irradiation Provisions (Wales) Regulations 2001 (revoked). (See end of Document for details)*

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**F1** 16. ....

**Textual Amendments**

**F1** Regs. 2-16 revoked (31.7.2009) by [The Food Irradiation \(Wales\) Regulations 2009 \(S.I. 2009/1795\)](#), regs. 1(1), **12(2)**

**Amendments to the Food Labelling Regulations 1996**

17. The Food Labelling Regulations 1996 shall be amended insofar as they apply to Wales in accordance with regulations 18 to 24 below.

18. In paragraph (1) of regulation 2 (interpretation)—

- (a) after the definition of “Directive 94/54” there shall be inserted the following definition—  
 ““Directive 99/2” means European Parliament and Council Directive [1999/2/EC](#) on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation;”;
- and
- (b) in the definition of “ionising radiation”, for the words “0.5 Gy” in sub-paragraph (c) there shall be substituted the words “ 0.01 Gy in the case of inspection devices which utilise neutrons and 0.5 Gy otherwise ”, and for the words “and 5 MeV otherwise” there shall be substituted the words “ , 14 MeV in the case of neutrons and 5 MeV otherwise ”.

19. In paragraph (1)(iv) of regulation 3 (exemptions), for the words “and Directive 94/54” there shall be substituted the words “ ,Directive 94/54 and Directive 99/2 ”.

20. For paragraph (4)(b) of regulation 15 (compound ingredients) there shall be substituted—

- “(b) the compound ingredient constitutes less than 25 per cent of the finished product, except that—
  - (i) subject to regulation 17, any additive which is an ingredient of such a compound ingredient shall be named in the list of ingredients in accordance with paragraph (2) of this regulation; and
  - (ii) where an ingredient of such a compound ingredient has been irradiated the name of that ingredient and the words required by paragraph 2 of Schedule 2 shall be given, except in the case of food which is prepared for patients requiring sterile diets under medical supervision.”.

21. The following paragraph shall be inserted between paragraphs (4) and (5) of regulation 26 (small packages and certain indelibly marked bottles)—

“(4A) Any food which—

- (a) by virtue of paragraph (1) or (3) of this regulation alone is exempted from the requirement to be marked or labelled with a list of ingredients;
- (b) contains any ingredient which has been irradiated; and
- (c) is not prepared for patients requiring sterile diets under medical supervision,

shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.”.

**22.** In regulation 35 (general requirement as to the manner of marking or labelling of food other than food to which regulation 23, 27 or 31 applies)—

- (a) the existing text shall be numbered “(1)”;
- (b) in the full-out words to paragraph (1), after the word “may” there shall be inserted the words “ (except as provided in paragraph (2) of this regulation) ”; and
- (c) there shall be inserted after paragraph (1) the following paragraph—

“(2) In the case of food to which paragraph (1) of this regulation applies which has been irradiated, other than food which is prepared for patients requiring sterile diets under medical supervision, the alternative provided in the full-out words to that paragraph shall not apply as regards the particulars specified in regulations 14(2) and 26(4A) and paragraph 2 of Schedule 2, and the word “irradiated” or the words “treated with ionising radiation” shall in all cases appear on the commercial documents relating to such food.”

**23.** In regulation 36 (manner of marking or labelling of food to which regulation 23 or 27 applies)

- (a) immediately after paragraph (1) there shall be inserted the following paragraph—

“(1A) Paragraphs (2) to (4) of this regulation shall apply only to food which is prepared for patients requiring sterile diets under medical supervision.”;
- (b) in paragraph (5), in sub-paragraph (c) there shall be inserted at the beginning the phrase “ (except as provided in paragraph (6) of this regulation) ”; and
- (c) there shall be added at the end the following paragraphs—

“(6) Notwithstanding the foregoing paragraphs of this regulation (but subject to paragraph (7) of the same), in the case of the sale of any food to which regulation 23 or 27 applies which has been irradiated—

- (a) the word “irradiated” or the words “treated with ionising radiation” shall in all cases appear on the commercial documents relating to such food; and
- (b) sub-paragraph (c) of paragraph (5) of this regulation shall not apply as regards the particulars specified in regulations 14(2), 25(1) and 27(3) and (4) and paragraph 2 of Schedule 2.

(7) Paragraph (6) of this regulation shall not apply in relation to food which is prepared for patients requiring sterile diets under medical supervision.”.

**24.** In sub-paragraph (b) of regulation 47 (defence in relation to exports), for the words “and Directive 94/54” there shall be inserted the words “, Directive 94/54 and Directive 99/2 ”.

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**Status:** Point in time view as at 31/07/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Food Irradiation Provisions (Wales) Regulations 2001 (revoked). (See end of Document for details)

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 <sup>M2</sup>

*D.Elis Thomas*  
The Presiding Officer of the National Assembly

**Marginal Citations**

**M2** [1998 c.38](#)

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

1. These Regulations give effect in Wales to the provisions of—
  - a) Directive [1999/2/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ No. L66, 13.3.99, p.16); and
  - b) Directive [1999/3/EC](#) of the European Parliament and of the Council on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJ No. L66, 13.3.99, p.24).
2. These Regulations give effect to the above provisions by amending the following Regulations in so far as they apply to Wales—
  - a) the Food (Control of Irradiation) Regulations 1990 (SI 1990/2490), as amended; and
  - b) the Food Labelling Regulations 1996 (SI 1996/1499), as amended.
3. The Food (Control of Irradiation) Regulations 1990 and the Food Labelling Regulations 1996 extend to the whole of Great Britain.
4. The substantive amendments to the Food (Control of Irradiation) Regulations 1990 are as follows—
  - a) definitions of Directives [1999/2/EC](#) and [1999/3/EC](#) are inserted into regulation 2(1) (regulation 3(a));
  - b) the definition of “ionising radiation” in regulation 2(1) is amended (regulation 3(b));
  - c) a new regulation, 6A, requiring the labelling of non-consumer foods which are subjected to ionising radiation, is inserted (regulation 6);
  - d) the text of regulation 8 (defence in relation to exports) is revised (regulation 8). The defence now only operates in relation to food intended for export to a country which is not a member of the European Community;
  - e) the particulars specified in paragraph 1 of Part I of Schedule 1 (particulars to be sent to the licensing authority by a person applying for an irradiation licence) are amended (regulation 9);
  - f) the matters set out in paragraph 3 of Part I of Schedule 1 (matters the licensing authority has to take into account in deciding whether to grant or refuse to grant an irradiation licence) are revised (regulation 10);
  - g) the terms and conditions set out in Part II of Schedule 1 (terms and conditions to be included in irradiation licences) are varied (regulation 11);
  - h) the licensing authority and the licensee are given the power to agree a variation of the term of an irradiation licence inserted by virtue of paragraph 4 of Part II of Schedule 1 (regulation 12);
  - i) the power to extend an irradiation licence currently found in Part IV of Schedule 1 is revoked (regulation 13);
  - j) a revised paragraph 2 of Part VI of Schedule 1 (which specifies the amount of each charge referred to in that Schedule) is substituted for the existing paragraph 2 of that Part, which also specifies the amount of each charge referred to in Schedule 1 (regulation 14(a));

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**k)** paragraph 3(b) of Part VI of Schedule 1 is amended to vary the maximum sums which fall to be paid in any one year in respect of the inspections referred to in regulation 9(3) (regulation 14(b)); and

**l)** a revised Schedule 2 (relating to the import of food) is substituted for the existing Schedule so numbered (which also deals with the import of food) (regulation 15).

**5.** These Regulations also make some consequential amendments to the Food (Control of Irradiation) Regulations 1990.

**6.** The amendments to the Food Labelling Regulations are—

**a)** a definition of Directive [1999/2/EC](#) is inserted into regulation 2(1) (regulation 18(a));

**b)** the definition of “ionising radiation” in regulation 2(1) is amended (regulation 18(b));

**c)** the exemption in regulation 3(1) for food brought into Great Britain in certain circumstances from another Member State or an European Economic Area state is adjusted so as to require such food to comply (where applicable) with Directive [1999/2/EC](#) (regulation 19);

**d)** a revised sub-paragraph (b) of regulation 15(4) (providing an exception to the requirement that the names of the ingredients of a compound ingredient used in the preparation of a food have to be given in the list of ingredients of the food) is substituted for the existing sub-paragraph (b) of regulation 15(4) (regulation 20);

**e)** regulation 26 (small packages and certain indelibly marked bottles) is amended to require certain food which, although exempted from the requirement to be marked or labelled with a list of ingredients, nevertheless contains an ingredient which has been irradiated, to be marked and labelled accordingly (regulation 21);

**f)** regulation 35 (which imposes a general requirement as to the manner of marking or labelling of certain food) is so amended that the alternative to that requirement contained at the end of that regulation is modified in the case of a specified category of that food which has been irradiated (regulation 22);

**g)** regulation 36 (which imposes a requirement as to the manner of marking or labelling of certain other food) is so amended that—

**i)** the application of paragraphs (2) to (4) of that regulation (which permit the use of alternative labelling in the case of certain food which has been or contains an ingredient which has been irradiated) is restricted to food which is prepared for patients requiring sterile diets under medical supervision, and

**ii)** in the case of the sale of food to which regulation 23 or 27 of SI 1996/1499 applies which has been irradiated (other than food which is prepared for patients requiring sterile diets under medical supervision), the commercial documents relating to the food must in all cases indicate that it has been irradiated (regulation 23); and

**h)** the defence in relation to exports (regulation 47) is updated to include a reference to Directive [1999/2/EC](#) (regulation 24).

**7.** A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.



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