
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (subject to exceptions in certain circumstances in relation to imports from EEA States) prohibit the sale, possession for sale, offer, exposure or advertisement for sale, and the importation into Wales from outside the United Kingdom or the transportation into Wales from any other part of the United Kingdom, of any food consisting of, or containing, Kava-kava (being a plant or part of a plant, or an extract from such a plant, belonging to the species *Piper methysticum*) (regulation 3). Any such food may be treated as being unfit for human consumption and be liable to be seized and destroyed (regulation 5(3)).

The Regulations create an offence in relation to breaches and provide for enforcement by food authorities (regulation 4). They also create a presumption, unless it is proved to the contrary, that where part of a batch, lot or consignment of food contravenes the Regulations, the whole batch, lot or consignment is deemed to contravene the Regulations (regulation 6).

A draft of the Regulations was notified to the European Commission in accordance with Article 8 of the European Parliament and Council Directive [98/34/EC](#) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules of Information Society services (OJNo. L204, 21.7.1998, p.37), as amended by the European Parliament and Council Directive [98/48/EC](#) (OJ No. L217, 5.8.1998, p.18). The Kava-kava in Food (Wales) Regulations 2002 were not so notified, in error, and were subsequently revoked by the Kava-kava in Food (Wales) (Revocation) Regulations 2003. These Regulations replace the 2002 Regulations.

A Regulatory Appraisal has been prepared and placed in the Library of the National Assembly for Wales and copies can be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.