
WELSH STATUTORY INSTRUMENTS

2008 No. 1268

The Food Labelling (Declaration of Allergens) (Wales) Regulations 2008

Title, commencement and application

1.—(1) The title of these Regulations is the Food Labelling (Declaration of Allergens) (Wales) Regulations 2008 and they come into force on 31 May 2008.

(2) These Regulations apply in relation to Wales.

Amendment of the Food Labelling Regulations 1996

2.—(1) The Food Labelling Regulations 1996(1) are amended in so far as they apply in relation to Wales in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation), in the definition of Directive 2000/13 for the words “Commission Directive 2005/26/EC” to the end, substitute “Commission Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients(2);”.

(3) In regulation 13(8)(c)—

- (a) omit the words “paragraphs 1 to 11 of”; and
- (b) omit the passage beginning with the words “other than” and ending with the words “that allergenic ingredient”.

(4) In regulation 34B(1)—

- (a) for the words “paragraphs (2) and (3)” substitute “paragraph (2)”; and
- (b) omit the words “paragraphs 1 to 11 of”.

(5) In regulation 34B(2)(b)—

- (a) omit the words “subject to paragraph (3) of this regulation,”; and
- (b) omit the words “paragraphs 1 to 11 of”.

(6) In regulation 50 (transitional provision), after paragraph (14) insert the following—

“(15) In any proceedings for an offence under regulation 44(1)(a) it is a defence to prove that—

- (a) the food concerned was sold before 31st May 2009 or marked or labelled before that date; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food

(1) S.I. 1996/1499, as last amended by S.I. 2007/3379 (W.301). Regulation 34B and the associated Schedule AA1 were inserted by S.I. 2004/3022 (W.261). Regulation 34B was amended by S.I. 2005/2835 (W.200); Schedule AA1 was amended by S.I. 2007/3379 (W.301). Paragraph (13) of regulation 50 was inserted by S.I. 2005/1309 (W.91), and paragraph (14) of that regulation by S.I. 2007/3379 (W.301).

(2) OJNo. L310, 28.11.2007, p.11.

Labelling (Declaration of Allergens) (Wales) Regulations 2008⁽³⁾ had not been in operation when the food was sold.”.

(7) For the contents of Schedule AA1 (allergenic ingredients) substitute the content of the Schedule to these Regulations.

Revocations

3. The following Regulations or provisions are revoked—

- (a) Regulation 34B(3) of, and Schedule 2A to, the Food Labelling Regulations 1996;
- (b) The Schedule to the Food Labelling (Amendment) (Wales) (No.2) Regulations 2004⁽⁴⁾;
- (c) The Food Labelling (Amendment) (Wales) (No.2) Regulations 2005⁽⁵⁾;
- (d) The Food Labelling (Amendment) (Wales) (No.2) (Amendment) Regulations 2005⁽⁶⁾;
- (e) The Food Labelling (Declaration of Allergens) (Wales) Regulations 2007⁽⁷⁾.

Gwenda Thomas

Under authority of the Minister for Health and
Social Services, one of the Welsh Ministers

6 May 2008

⁽³⁾ S.I. 2008/1268 (W.128).
⁽⁴⁾ S.I. 2004/3022 (W.261).
⁽⁵⁾ S.I. 2005/2835 (W.200).
⁽⁶⁾ S.I. 2005/3626 (W.241).
⁽⁷⁾ S.I. 2007/3379 (W.301).