
WELSH STATUTORY INSTRUMENTS

2011 No. 1605 (W.186)

FOOD, WALES

The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011

<i>Made</i>	- - - -	<i>28 June 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30 June 2011</i>
<i>Coming into force</i>	- -	<i>1 July 2011</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(2), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(1), and now vested in them(2).

In so far as these Regulations cannot be made under the powers in the Food Safety Act 1990 specified above, the Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(3).

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food safety (including drink)(4).

In accordance with section 48(4A) of the Food Safety Act 1990 they have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of 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(5), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(1) 1990 c. 16, section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), “the 1999 Act”. Section 48 was also amended by S.I. 2004/2990. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.

(2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales) so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(3) 1972 c. 68.

(4) S.I. 2005/1971.

(5) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation of the regulatory procedure with scrutiny — Part Four (OJ No. L188, 18.7.2009, p.14).