
WELSH STATUTORY INSTRUMENTS

2017 No. 832

**The Materials and Articles in Contact with
Food (Wales) (Amendment) Regulations 2017**

Title, application and commencement

1.—(1) The title of these Regulations is the Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2017.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 14 September 2017.

Amendment of the Materials and Articles in Contact with Food (Wales) Regulations 2012

2. The Materials and Articles in Contact with Food (Wales) Regulations 2012(1) are amended in accordance with regulations 3 to 15.

3. In regulation 2(1) (interpretation), for the definition of “Regulation 10/2011” substitute—
““Regulation 10/2011” (*“Rheoliad 10/2011”*) means [Commission Regulation \(EU\) No. 10/2011](#) on plastic materials and articles intended to come into contact with food(2);”.

4. In regulation 7 (offences of contravening specified provisions of Regulation 450/2009), omit paragraph (2).

5. In regulation 12(8) (controls and limits), omit “, (6)”.

6. In regulation 13 (interpretation of Part 6 and the Schedule)—

(a) in the heading, for “the Schedule” substitute “Schedule 1”; and

(b) for “the Schedule” substitute “Schedule 1”.

7. In regulation 14 (offences of contravening specified provisions of Regulation 10/2011)—

(a) in paragraph (1), for “the Schedule” substitute “Schedule 1”; and

(b) omit paragraph (2).

8. For regulation 15 (competent authorities for the purposes of Regulation 10/2011), substitute—

“15. The competent authorities for the purposes of Articles 8 and 16(1) of Regulation 10/2011 are the Food Standards Agency, each food authority in its area and each port health authority in its district.”

9. In regulation 16 (restrictions on the use of certain epoxy derivatives (BADGE, BFDGE and NOGE))—

(a) in paragraph (1)(b), for “paragraphs (2) and (3) are” substitute “paragraph (2) is”;

(b) omit paragraph (3); and

(c) in paragraph (4), omit “or (3)”.

(1) [S.I. 2012/2705 \(W. 291\)](#).

(2) This Regulation was last amended by [Commission Regulation \(EU\) 2017/752 \(OJ No L 113, 29.4.2017, p 18\)](#).

- 10.** In regulation 19 (offences and penalties)—
- (a) in paragraph (1), omit “or (4)”;
 - (b) in paragraph (3), omit “or fails to comply with regulation 10(6)”;
 - (c) for paragraph (5) substitute—
 - “(5) A person guilty of an offence is liable—
 - (a) in the case of an offence created by paragraph (1) or (4) or by regulation 4(3), 5, 7(1), 14(1), or 16(4)—
 - (i) on conviction on indictment to a fine or to a term of imprisonment not exceeding two years or both, or
 - (ii) on summary conviction to a fine; and
 - (b) in the case of an offence created by paragraph (2) or (3), on summary conviction to a fine not exceeding level 4 on the standard scale.”
- 11.** In regulation 20 (execution and enforcement), for paragraph (2) substitute—
- “(2) The Food Standards Agency may also execute and enforce the provisions of—
- (a) Articles 16(1) and 17(2) of Regulation 1935/2004;
 - (b) Article 13 of Regulation 450/2009; and
 - (c) Article 16(1) of Regulation 10/2011.”
- 12.** In regulation 23(2) (time limit for prosecutions), omit “7(2), 14(2) or”.
- 13.** For regulation 27 (application of various provisions of the Act) substitute the following—
- “**27.**—(1) Section 10(1) and (2) of the Act (improvement notices) applies for the purposes of these Regulations with the modification (in the case of section 10(1)) set out in Part 1 of Schedule 2 for the purposes of—
- (a) enabling an improvement notice to be served on a person requiring that person to comply with any of the following provisions—
 - (i) regulations 10(4), 10(6) and 12(6);
 - (ii) Article 16 of Regulation 1935/2004;
 - (iii) Article 5 of Regulation 1895/2005;
 - (iv) Articles 12 and 13 of Regulation 450/2009; and
 - (v) the second sentence of Article 8, Article 15 as read with Annex IV, and Article 16 of Regulation 10/2011; and
 - (b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.
- (2) The provisions of the Act specified in column 1 of the table in Part 2 of Schedule 2 apply, with the modifications (if any) specified in column 2 of that table.
- (3) Paragraphs (1) and (2) are without prejudice to the application of the Act to these Regulations for purposes other than those specified in paragraph (1).”
- 14.** In the Schedule (specified provisions of Regulation 10/2011)—
- (a) renumber the Schedule as Schedule 1;
 - (b) for the text in the first column of the seventh row (which relates to Article 11) of the table, substitute “Article 11(1) and Annex I, as read with Article 11(3) and (4)”;
 - (c) omit the entries in the final row of the table.

15. After Schedule 1 insert the Schedule 2 set out in the Schedule to these Regulations.

9 August 2017

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under authority of the Cabinet Secretary for
Health, Well-being and Sport, one of the Welsh
Ministers