STATUTORY INSTRUMENTS

2005 No. 775

FOOD, ENGLAND

The Contaminants in Food (England) (Amendment) Regulations 2005

Made - - - -	*17th March 2005*
Laid before Parliament	*21st March 2005*
Coming into force - -	*11th April 2005*

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(a) and (f), 17(2), 26(1)(a) and (3), and 48(1)(c) of the Food Safety Act 1990(**a**), and now vested in him(**b**), having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation 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(**c**), makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Contaminants in Food (England) (Amendment) Regulations 2005, shall come into force on 11th April 2005 and shall apply in relation to England only.

Amendments to the Contaminants in Food (England) Regulations 2004

2. The Contaminants in Food (England) Regulations 2004(**d**) are amended as follows —

(a) in the definition of "the Commission Regulation" after "Commission Regulation (EC) No 455/2004" insert ",Commission Regulation (EC) No 655/2004(**e**), Commission Regulation (EC) No 683/2004"(**f**);

(b) in regulation 8 —

(i) in paragraph (3) after the words "which shall" delete the word "be";

(**a**) 1990 c. 16.

(**b**) 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 and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28). Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act. Section 17(1) was amended by paragraph 12(a), section 17(2) by paragraph 12(b) and section 48 by paragraph 21, of Schedule 5 to the Food Standards Act 1999.

(**c**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4.).

(**d**) S.I. 2004/3062

(**e**) OJ No. L104, 8.4.2004, p.48.

(**f**) OJ No. L106, 15.4.2004, p.3.

(ii) in paragraphs (5) and (6) for the expression "paragraph (4)" substitute the expression "paragraph (3)";

(c) in regulation 9, in paragraph (8) for the expression "summary execution" substitute the expression "summary conviction".

Signed by authority of the Secretary of State for Health

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health

17th March 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only and amend the Contaminants in Food (England) Regulations 2004 (SI 2004/3062) ("the principal Regulations"), provide for the enforcement of the requirements of —

(a) Commission Regulation (EC) No 655/2004 amending Regulation (EC) No 466/2001 (OJ No L77, 16.3.2001, p.1) as regards nitrate in foods for infants and young children, and

(b) Commission Regulation (EC) No 683/2004 amending Regulation (EC) No 466/2001 as regards aflatoxins and ochratoxin A in foods for infants and young children, *(regulation 2(a))*.

2. These Regulations also correct certain typographical errors in the principal Regulations, *(regulation 2(b) and (c)*.

3. A regulatory impact assessment has been prepared for these Regulations and has been placed in the Library of each of the Houses of Parliament. Copies may be obtained from the Chemical Safety Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH

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The Contaminants in Food (England) (Amendment) Regulations 2005

£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E0551 3/2005 150551T 19585

ISBN 0-11-072566-2

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