STATUTORY INSTRUMENTS

2007 No. 2938

FOOD, ENGLAND

The Contaminants in Food (England) (Amendment) Regulations 2007

Made - - - -	*9th October 2007*
Laid before Parliament	*16th October 2007*
Coming into force - -	*15th November 2007*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a), 17(2) and 48(1) of the Food Safety Act 1990(**a**), and now vested in him(**b**).

In accordance with section 48(4A) of that Act, he has 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(**c**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title and commencement

1. These Regulations may be cited as the Contaminants in Food (England) (Amendment) Regulations 2007 and come into force on 15th November 2007.

(**a**) 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 1999Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. 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 and S.I. 2004/2990.

(**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 1999 Act. Functions of "the Ministers" 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 thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). 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..

(**c**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3).

Amendment of the Contaminants in Food (England) Regulations 2007

2.—(1) The Contaminants in Food (England) Regulations 2007(**a**) are amended in accordance with paragraph (2).

(2) In regulation 2 (interpretation), for the definition of "the Commission Regulation" substitute the following —

> ""the Commission Regulation" means Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs(**b**) as amended by Commission Regulation (EC) No.1126/2007 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards *Fusarium*-toxins in maize and maize products(**c**).".

Signed by authority of the Secretary of State for Health

Dawn Primarolo
Minister of State
Department of Health

9th October 2007

(**a**) S.I. 2007/210
(**b**) OJ No. L364, 20.12.2006, p.5.
(**c**) OJ No. L255, 29.9.2007, p.14.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only, amend the Contaminants in Food (England) Regulations 2007 (S.I. 2007/210) ("the 2007 Regulations"). They make provision for the execution and enforcement of Commission Regulation (EC) No. 1126/2007 amending Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards *Fusarium* toxins in maize and maize products (OJ No. L255, 29.9.2007, p.14).

2. The Regulations amend the definition of "the Commission Regulation" in the 2007 Regulations so as to include the amendments effected by Commission Regulation (EC) No. 1126/2007 (*regulation 2*).

3. A full regulatory assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Chemical Safety Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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