STATUTORY INSTRUMENTS

2021 No. 616

FOOD, ENGLAND

The Food (Amendment and Transitional Provisions) (England) Regulations 2021

Made - - - -	*24th May 2021*
Laid before Parliament	*25th May 2021*
Coming into force - -	*17th June 2021*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1)(e), 26(1) and 48(1) of the Food Safety Act 1990(**a**).

There has been 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(**b**).

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(**c**) of the Food Safety Act 1990.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Food (Amendment and Transitional Provisions) (England) Regulations 2021 and come into force on 17th June 2021.

(2) These Regulations extend to England and Wales and apply in England only.

Amendment of the Bread and Flour Regulations 1998

2.—(1) The Bread and Flour Regulations 1998(**d**) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definitions of "EEA Agreement" and "EEA State";

(b) after the definition of "sell" insert—

""third country" means any country, other than the United Kingdom, and includes—

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(**a**) 1990 c. 16; section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Section 26(3) was partially repealed by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.

(**b**) EUR 2002/178.

(**c**) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(**d**) S.I. 1998/141; relevant amending instruments are S.I. 2011/1043, 2012/1809.

(c) the Isle of Man.".

(3) In regulation 3—

(a) for paragraph (2) substitute—

"(2) These Regulations do not apply in respect of—

(a) any bread produced in England which is to be exported to a third country;

(b) any flour produced in England which is—

(i) to be exported to a third country, or

(ii) for use in the production of food that is to be exported to a third country;

(c) any flour imported into England from a third country (directly or indirectly) which—

(i) was lawfully produced and sold in that third country, and

(ii) is for use in England for the production of food that is to be exported to a third country,

which is suitably labelled to give the nature of the bread or flour.";

(b) omit paragraph (3).

(4) In regulation 4—

(a) in paragraph (4)(b), for "importer of flour" substitute "person";

(b) in paragraph (4)(b)(i), for "import into Great Britain" substitute "import or move into England";

(c) in paragraph 4(b)(ii), after "imported" insert "or moved";

(d) in paragraph (5), for "or importation into Great Britain" substitute "importation or movement into England".

(5) Omit regulation 7(2).

Amendment of the Jam and Similar Products (England) Regulations 2003

3.—(1) The Jam and Similar Products (England) Regulations 2003(**a**) are amended as follows.

(2) In regulation 2(1), omit the definitions of "EEA Agreement", "EEA State", "free circulation" and "Member State".

(3) Omit regulation 3(3).

Amendment of the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008

4. Omit regulation 3 of the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008(**b**).

Amendment of the Products Containing Meat etc. (England) Regulations 2014

5. Omit regulation 3(3) of the Products Containing Meat etc. (England) Regulations 2014(**c**).

Transitional Provisions

6.—(1) A product which—

(a) is subject to the Bread and Flour Regulations 1998, but

(**a**) S.I. 2003/3120; relevant amendments are 2011/1043, 2012/1809.
(**b**) S.I. 2008/1287, amended by S.I. 2013/2854.
(**c**) S.I. 2014/3001 to which there are amendments not relevant to these Regulations.

(b) was, or would have been, outside the scope of those Regulations by virtue of regulation 3 of those Regulations, as it stood immediately before the amendments made by regulation 2 of these Regulations came into force, is not subject to the Bread and Flour Regulations 1998 until 1st October 2022.

(2) A product which—

(a) is subject to the Jam and Similar Products (England) Regulations 2003, but

(b) was, or would have been, outside the scope of those Regulations by virtue of regulation 3(3) of those Regulations, as it stood immediately before the amendments made by regulation 3 of these Regulations came into force, is not subject to the Jam and Similar Products (England) Regulations 2003 until 1st October 2022.

(3) A product which—

(a) is subject to the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008, but

(b) was, or would have been, outside the scope of those Regulations by virtue of regulation 3 of those Regulations, as it stood immediately before the amendments made by regulation 4 of these Regulations came into force, is not subject to the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations)(England) Regulations 2008 until 1st October 2022.

(4) A product which—

(a) is subject to the Products Containing Meat etc. (England) Regulations 2014, but

(b) was, or would have been, outside the scope of those Regulations by virtue of regulation 3(3) of those Regulations, as it stood immediately before the amendments made by regulation 5 of these Regulations came into force, is not subject to the Products Containing Meat etc. (England) Regulations 2014 until 12th December 2021.

Victoria Prentis
Parliamentary Under Secretary of State
24th May 2021 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bread and Flour Regulations 1998 (S.I. 1998/141), the Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 (S.I. 2008/1287) and the Products Containing Meat etc. (England) Regulations 2014 (S.I. 2014/3001) in relation to food composition. They remove certain exemptions in those Regulations following the withdrawal of the United Kingdom from the European Union. They apply in England only.

Regulation 2 also amends the Bread and Flour Regulations 1998 to provide additional exemptions from those regulations relating to exports to third countries.

Regulation 6 makes transitional provision.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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