EXPLANATORY MEMORANDUM TO THE

HONEY (AMENDMENT) (ENGLAND) REGULATIONS 2005

2005 No. 1920

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument corrects two transposition errors and one spelling error in The Honey Regulations 2003, which implements Council Directive 2001/110/EC. The errors occurred during the transposition of Council Directive 2001/110/EC into UK law. The effect of the corrections will be to add 'pressed honey' to the list of honey products that may be described simply as 'honey' and to replace 'pressed honey' with 'bakers honey' in the list of those honey products that may not be described by certain additional quality criteria.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Honey (England) Regulations 2003 define specified honey products which may be sold in this country and lay down compositional and labelling requirements for these products. They implement Council Directive 2001/110/EC relating to honey, into UK law. The Honey (Amendment) Regulations 2005 are being made in order to correct three errors that occurred during the transposition of Council Directive 2001/110/EC into UK law. (See section 2.1 for details of the corrections being made.) The Ministerial powers under which this Statutory Instrument is being made are sections 16(1)(e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act.

5. Extent

5.1 This instrument applies to England only. Scotland, Wales and Northern Ireland are making their own amending legislation separately.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary for Public Health has made the following statement regarding Human Rights:

6.2 In my view the provisions of The Honey (Amendment) (England) Regulations 2005 are compatible with the Convention Rights.

7. Policy background

7.1 European Council Directive 2001/110/EC relating to Honey was implemented into English law via The Honey Regulations 2003, which came into force on 25th September 2003. Since that time it has become apparent that there are two errors in the numbering of the reserved descriptions that are referred to in Notes 1 and 3 of Schedule 1 of the Regulations. This means that currently the Regulations do not provide for 'pressed honey' to be described simply as 'honey', and they incorrectly permit 'bakers honey' instead of 'pressed honey' to be described by additional quality criteria. Failure to correct these errors would result in an under implementation of Council Directive 2001/110/EC into UK law.

7.2 A formal 12 week Consultation was carried out on the amending Regulations to which only three responses were received, all with no comment.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The amending SI is simply rectifying transposition errors and aligning the text with that of the EU Directive. Relevant interested parties were made aware of the errors as soon as they were noticed and advised to work to the Agency's guidance notes which reflect the correct provisions (i.e. as in Council Directive 2001/110/EC).

9. Contact

Alison Asquith at the Food Standards Agency (Tel: 0207 276 8000 or E-mail: alison.asquith@foodstandards.gsi.gov.uk) can answer any queries regarding the instrument.