



**FOOD LAW GUIDE**

*PRODUCED BY: THE FOOD STANDARDS AGENCY*

**June 2004**

## Contact

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## Acknowledgment

We would like to acknowledge the use of explanatory notes in some parts of this document as belonging to Crown Copyright.

<p>This document has been produced with the aim of providing information and guidance on most areas relating to food law. Whilst it outlines the main provisions of the Food Safety Act 1990 and its subsequent Statutory Instruments and Orders, it should not be treated as an interpretation of the law. Expert advice can be sought from Environmental Health or Trading Standards Departments of your local authority. In some circumstances it may be necessary to seek legal advice.</p>
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# INTRODUCTION

In general, the legislation listed in this guide applies to England and Wales only (unless otherwise stated). Similar legislation applies to Scotland and Northern Ireland. However, the Food Safety Act 1990, and new regulations made under it from 1990 onwards, apply to Great Britain unless stated otherwise.

The Food Standards Agency became operational on the 3<sup>rd</sup> of April 2000 in accordance with the Food Standards Act 1999 and the Commencement Orders – The Food Standards Act 1999 (Commencement No 1) Order 2000 and Food Standards Act 1999 (Commencement No 2) Order 2000 - which preceded the Act.

Consequently, and in pursuance of The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulation 2000, functions and powers, in relation to food safety, consumer protection and animal feed, which were hitherto exercised by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Health have now been transferred to the Food Standards Agency.

**This Guide is updated every quarter. However, our website provides a much more recent version of the current food law legislation on:**  
**<http://www.food.gov.uk/multimedia/pdfs/foodlaw.pdf>**

Wherever possible this guide states which EC rules are implemented in our food law by the regulations listed on the following pages. The guide also provides contact details for further information at the end of each section. Alternatively, enquiries can be made through the Agency's Enquiry Point Tel: 0207 276 8830.

**These notes are intended only as a general guide, for definitive information the appropriate Act, Order, Regulation or Code of Practice should be consulted.**

Copies of the legislation referred to in this document may be obtained from The Stationery Office Publications Centre, PO Box 276, LONDON SW8 5DT. For telephone orders and other enquiries please call 0870 600 5522 or faxed on 0870 600 5533 or Web-site: [www.tso.co.uk](http://www.tso.co.uk)

Copies may also be obtained from The Stationery Office Bookshops listed below or through booksellers

**123 Kingsway, London WC2B 6PQ (Tel: 020 7242 6393)**  
**71 Lothian Road, EDINBURGH EH3 9AZ (Tel: 0131 228 4181)**  
**9-21 Princess Street, MANCHESTER M60 8AS (Tel: 0161 834 7201)**  
**33 Wine Street, Wine Street, BRISTOL BS1 2BQ (Tel: 0117 926 4306)**  
**68/69 Bull Street, BIRMINGHAM B4 6AD (Tel: 0121-236-9696)**  
**The Stationery Office Oriel Bookshop, The Friary, CARDIFF CF1 4AA**  
**(Tel: 029 2039 5548)**  
**16 Arthur Street, BELFAST BT1 4GD (Tel: 028 9023 8451)**



Note: Some of the regulations listed may not be available from The Stationery Office Bookshops because they are amending regulations which have been revoked. These regulations have been included only if their effects are still in force. However, it may be possible to obtain copies of revoked legislation from good reference libraries.

## **PART 1: FOOD SAFETY**

### **THE FOOD SAFETY ACT 1990 (CHAPTER 16)**

#### **A. GENERAL**

The main provisions of the Food Safety Act 1990 came into force on 1 January 1991. The Act covers Great Britain and provides the framework for all its food legislation.

#### **B. KEY PROVISIONS OF THE FOOD SAFETY ACT 1990**

##### **PART I: PRELIMINARY**

**Section 1** defines "food" and other basic expressions used in the Act such as "food business", "food premises" and "food source". **Section 2** extends the meaning of sale to include food supplied in the course of a business and **Section 3** sets out presumptions applying to food and food ingredients, for instance that food commonly used for human consumption found on certain food premises is presumed to be intended for sale.

##### **PART II: MAIN PROVISIONS**

**Section 7** describes the offence of rendering food injurious to health and **Section 8** sets out the offence of selling or possessing for sale food that does not comply with food safety requirements. This is food that has been rendered injurious to health, which is unfit for human consumption or is so contaminated that it would not be reasonable to expect it to be used for human consumption. **Section 8** also states that if any part of a batch of food does not comply with food safety requirements the whole batch is presumed not to comply, unless the contrary is proved.

**Section 14** makes it an offence to sell food which is not of the "nature or substance or quality" demanded by the purchaser and **Section 15** creates an offence of falsely describing, advertising or presenting food.

##### ***General Enforcement Provisions***

**Section 9** of the Food Safety Act gives enforcement officers powers to inspect any food intended for human consumption and to detain and seize food suspected of not complying with food safety requirements. It allows a Justice of the Peace to condemn food when he or she is satisfied that food safety requirements are not met. **Section 10** provides for improvement notices to be issued where food hygiene or food processing regulations have been contravened. **Section 11** provides for prohibition orders to be issued by the courts where there is a risk of injury to health and the proprietor of the food business has been convicted of an offence under food hygiene or food processing regulations. **Section 12** provides emergency prohibition powers for use by authorised officers where there is an imminent risk of injury to health. **Section 13** gives Ministers powers to make emergency control orders prohibiting commercial operations in relation to food, food sources or contact materials when there is an imminent risk of such food causing such injury to health.

## **Defences**

Section 20 enables an enforcement authority to "by-pass" the immediate offender and to prosecute the real offender. Section 21 provides for a defence if defendants can prove to a court that they took all reasonable precautions and exercised all due diligence to avoid committing an offence. The defendant is deemed to have satisfied this due diligence defence in certain circumstances. These deemed due diligence defences are not available to a defendant who manufactured or imported the food. Section 22 contains a special defence for businesses which publish an advertisement in good faith.

## **PART III: ADMINISTRATION AND ENFORCEMENT**

**Section 32** sets out who may enter premises to enforce the Act and explains what they can do while on premises. It also makes unauthorised disclosure of information obtained when using such powers an offence.

**Section 33** makes it an offence intentionally to obstruct a person enforcing the Act or to provide false or misleading information.

**Section 34** provides time limits for prosecutions.

### ***Penalties and Modes of Trial***

**Section 35** sets out the penalties for offences. For most offences a Crown Court may impose a prison sentence of up to two years and/or unlimited fines. Magistrates' Courts generally may impose a fine of up to £5,000 and a prison sentence of up to six months. For the most serious offences Magistrates' Courts may impose a maximum fine of £20,000. Magistrates' Courts may also impose penalties for obstructing an enforcement officer. In Scotland equivalent penalties may be imposed by the Sheriff.

**Section 36** provides that someone in authority in a corporate body is liable for prosecution where they are proved to have acted negligently or consented to the alleged offence. **Sections 37 and 39** provide for appeals against decision of an enforcement authority to serve an improvement notice, and to refuse certificates under **Section 11(6) or 12(8)**. The appeal is to a Magistrates' Court or, in Scotland, to the Sheriff, and further appeals are available to the Crown Court for the cases referred to in **Section 38**.

Offences against regulations and mode of trial may be detailed in the individual regulations having effect under the Act. Penalties and modes of trial in individual regulations having effect under the Act have been altered by specific penalty Regulations. These are the Food (Revision of Penalties) Regulations 1982 and the Milk and Dairies (Revision of Penalties) Regulations 1982 which lay down the mode of trial and the Food (Revision of Penalties) Regulations 1985 which lay down the maximum fines for summary convictions for offences under the regulations. Existing regulations with offences and penalties have also been amended by Consequential Modifications Orders made under the Act (*see section C*).

## **PART IV: MISCELLANEOUS AND SUPPLEMENTAL**

**Section 54** provides for the Act to apply to the Crown and to Crown premises subject to special arrangements and certain exemptions. The Section came into effect on 1 April 1992. **Section 55** amends the Water Act 1989 to extend its controls on the quality of water used for domestic purposes to cover water used in food production.

## C. STATUTORY INSTRUMENTS IMPLEMENTING THE FOOD SAFETY ACT 1990

### SI Number

- 1990 No 1383      **THE FOOD SAFETY ACT 1990 (COMMENCEMENT (C40) NO 1) ORDER 1990** brought into force new powers for Ministers to use in emergencies, with effect from 29 June 1990;
- 1990 No 2372      **THE FOOD SAFETY ACT 1990 (COMMENCEMENT (C62) NO 2) ORDER 1990** brought into force the main provisions of the Act on 1 January 1991 and Section 54 which extends scope to the Crown with effect from 1 April 1992;
- 1990 No 2462      **THE FOOD SAFETY (ENFORCEMENT AUTHORITY) (ENGLAND AND WALES) ORDER 1990** sets out the division of responsibility for enforcement in the Shire Counties of England and Wales;
- 1990 No 2463      **THE FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990** set out the procedures to be followed by enforcement officers when taking samples for analysis or microbiological examination. They also set out qualification requirements for Public Analysts and Food Examiners. These regulations apply to Great Britain;
- 1990 No 2486      **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (ENGLAND AND WALES) ORDER 1990** brings existing regulations into line with the updated provisions in the Food Safety Act and provide for the continuation of milk and dairies legislation by amending regulations relating to milk so that provisions contained in the Food Act 1984 are now contained in those regulations;
- 1990 No 2487      **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (NO 2) (GREAT BRITAIN) ORDER 1990** brings existing regulations into line with the updated provisions in the Food Safety Act;
- 1990 No 2614      **DETENTION OF FOOD (PRESCRIBED FORMS) REGULATIONS 1990** prescribe the forms of notice which may be issued in connection with the detention of food under Section 9 of the Act;
- 1991 No 100        **FOOD SAFETY (IMPROVEMENT AND PROHIBITION - PRESCRIBED FORMS) REGULATIONS 1991** set out the forms of notice which may be used in connection with the improvement notices under Section 10 of the Act, prohibition orders under Section 11 or emergency prohibition notices or orders under Section 12;
- 1991 No 2825      **THE FOOD PREMISES (REGISTRATION) REGULATIONS 1991** provide for the registration of food premises (including vehicles and other movable structures) by food authorities;

1992	No 57	<b>THE FOOD SAFETY ACT 1990 (COMMENCEMENT No. 3) ORDER 1992</b> brings into force Section 59(4) of the Food Safety Act 1990 which repeals the provisions of the Food Act 1984 about the registration of food handlers and food businesses;
1992	No 117	<b>THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (LOCAL ENACTMENTS) ORDER 1992</b> provides for the repeal or revocation of certain parts of local law which relate to the registration of food premises. These provisions are no longer necessary, as the Food Premises (Registration) Regulations 1991 have come into force;
1992	No 2766	<b>THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (LOCAL ENACTMENTS) (NO 2) ORDER 1992</b> further repeal or revocation of certain local law which relate to the registration of food premises;
1993	No 2022	<b>THE FOOD PREMISES (REGISTRATION) AMENDMENT REGULATIONS 1993</b> exempts childminders caring for no more than six children from the requirement to register their premises as a food business;
1997	No 723	<b>THE FOOD PREMISES (REGISTRATION) AMENDMENT REGULATIONS 1997</b> exempt people who prepare food at home for sale from a market stall run by WI Country Markets Ltd. from the requirement to register their premises as a food business.
2003	No 1895	<b>THE FOOD SAFETY (SHIPS AND AIRCRAFT) (ENGLAND AND SCOTLAND) ORDER 2003</b> - this gives the power of entry to such craft (where it does not exist already) by authorised officers for the enforcement of certain sections of the Food Safety (General Food Hygiene) Regulations 1995 and of the Food Safety (Temperature Control) Regulations 1995.

## D. CODES OF PRACTICE FOR LOCAL AUTHORITIES

Codes of Practice issued under Section 40 of the Food Safety Act 1990 are not legislation. They are documents issued by Ministers for the guidance of food authorities, and their provisions can be enforced by court order. These Codes of Practice apply to Great Britain.

**Twenty Codes of Practice have been issued so far:-**

No.	Title
1.	Responsibility for Enforcement of the Food Safety Act 1990 ISBN 0-11-3213549).
2.	Legal Matters (ISBN 0-11-321353-0).
3.	Inspection Procedures - General (ISBN 0-11-321355-7).
4.	Inspection, Detention and Seizure of Suspect Food (ISBN 0-11-321350-6).
5.	The Use of Improvement Notices (Revised April 1994). (ISBN 0-11-321777-3).

6. Prohibition Procedures (ISBN 0-11-321349-2).
7. Sampling for Analysis or Examination (Revised October 2000).\*
8. Food Standards Inspections (Revised July 1996)
9. Food Hygiene Inspections (Revised October 2000).\*
- 9<sup>B</sup> Annex 1 of Food Hygiene Inspections (Revised October 2000)
10. Enforcement of Temperature Control Requirements of Food Hygiene Regulations. Enforcement of temperature monitoring and temperature measurement (revised February 1994) (ISBN 0-11-321465-0).
11. Enforcement of the Food Premises (Registration) Regulations (ISBN 0-11-3214782)
12. Quick Frozen Foodstuffs. Division of Enforcement Responsibilities; Enforcement of Temperature Monitoring and Temperature Measurement (Revised February 1994) ((ISBN 0-11-321793-5).
13. Enforcement of the Food Safety Act 1990 in relation to Crown Premises (ISBN 0-11-321500-2).
14. Enforcement of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992 (ISBN 0-11-321695-5).
15. Enforcement of the Food Safety (Fishery Products) Regulations 1992 (ISBN 0-11-321798-6).
16. Enforcement of the Food Safety Act 1990 in Relation to the Food Hazard Warning System (Revised August 1997) (ISBN 0-11-321583-5).
17. Enforcement of the Meat Products (Hygiene) Regulations 1994 (ISBN 0-11-321880-x).
18. Enforcement of the Dairy Products (Hygiene) Regulations 1995 (ISBN 0-11-321957-1)
19. Qualifications and Experience of Authorised Officers (Revised October 2000)\*
20. Exchange of Information between Member states of the EU on Routine Food Control Matters

Copies of these Codes of Practice only are available directly from the FSA. Requests should be made to Duncan Ritchie, Room 411C Aviation House, 125 Kingsway, London WC2B 6NH, Tel. 020 7276 8435, e-mail [duncan.ritchie@foodstandards.gsi.gov.uk](mailto:duncan.ritchie@foodstandards.gsi.gov.uk)

\*Copies of Code No. 7, 9 & 19 have recently been revised and are available from the FSA website on <http://www.foodstandards.gov.uk/enforcement/role/foodsafetyactcop/> or are available free of charge from the FSA address given below, however, Codes 8 & 20 are priced as follows:

**Note: Enquiries relating the enforcement of Codes of Practice should be addressed to the Food Standards Agency, Local Authority Professional Support Branch, Room 411C Aviation House, 125 Kingsway, London WC2B 6NH (Telephone – (0)20-7276 8435)**

## E: THE GENERAL PRODUCT SAFETY REGULATIONS

1994 No 2328      **The General Product Safety Regulations 1994** - implement Council Directive 92/59/EEC (OJ No. L228, 11.8.92, p.24) on general product safety. They apply to the United Kingdom and came into force on 3 October 1994. The Regulations impose requirements concerning the safety of products, including food and drink, which are intended for, or likely to be used by, consumers.

***Note: Enquiries about the general product safety legislation should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch , Room 115C Aviation House, 125 Kingsway, London WC2B 6NH (Telephone - (0)20 7276 8139).***

## PART 2: FOOD LABELLING AND THE MARKING OF FOOD

### A: FOOD LABELLING REGULATIONS

#### SI Number

1996 No 1499

**THE FOOD LABELLING REGULATIONS 1996** - implement Council Directive 79/112/EEC (OJ No. L33 8.2.79) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (excluding the provisions relating to net quantity, and except in relation to certain additives), as now amended by Council Directives 85/7/EEC (OJ No. L2, 3.1.85), 86/197/EEC (OJ No. 144, 29.5.86) and 89/395/EEC (OJ No. L186, 30.6.89); Commission Directives 91/72/EEC (OJ No. L42, 15.2.91) and 93/102/EEC (OJ No. L291, 25.11.93) and European Parliament and Council Directive 97/4/EC (OJ. NO.L43.14.2.97) replaced by Council Directive 2000/13/EC (OJ No. L109 6.5.2000)

They also implement Commission Directive 87/250/EEC (OJ No. L113, 30.4.87) on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer;

Council Directive 89/398/EEC (OJ No. L186, 30.6.89) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses;

Council Directive 90/496/EEC (OJ No. L276, 6.10.90) on nutrition labelling for foodstuffs;

Commission Directive 94/54/EC (OJ No. L300, 23.11.94), as now amended by Council Directive 96/21/EC (OJ No. L88), concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC;

Commission Directive 1999/10/EC (OJ No L69, 10.3.99) providing for derogation from the provisions of Article 7 of Council Directive 79/112/EC as regards the labelling of foodstuffs.

The principal provisions of the regulations which apply to Great Britain are that all food which is ready for delivery to the ultimate consumer or to a catering establishment, subject to certain exceptions, be marked or labelled with:

- (a) the name of the food;
- (b) a list of ingredients;
- (c) the appropriate durability indication, that is to say;

(i) in the case of a food other than one specified in subparagraph (ii) of this paragraph, an indication of minimum durability (a "best before" date);

- (ii) in the case of food which, from the microbiological point of view is highly perishable and in consequence likely after a short period to constitute an immediate danger to health, a “use by” date;
- (d) any special storage conditions or conditions of use;
- (e) the name or business name and an address or registered office of the manufacturer or packer, or of a seller established within the European Community;

and in certain circumstances:

- (f) particulars of the place of origin of the food, if failure to give such particulars might mislead and;
- (g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions;

(NB - There are certain exemptions and additional requirements listed in the main regulations.)

There are less onerous rules for foods which are non-pre-packed or pre-packed for direct sale.

These Regulations also attach conditions to the use of claims for foods for particular nutritional uses, reduced or low energy value claims, protein claims, vitamin or mineral claims, cholesterol claims, other nutrient claims and claims dependent on other foods; they prohibit medicinal claims. They also lay down a prescribed format for the nutritional labeling of foodstuffs.

#### **The Regulations are amended by:**

1998	No 141	The Bread and Flour Regulations 1998
1998	No 1398	The Food Labelling (Amendment) Regulations 1998 - implement Council Directive 97/4/EC (OJ No. L43, 14.2.97, p. 21) (commonly known as “QUID”) amending Directive 79/112/EEC particularly in relation to indication of quantity of ingredients.
1998	No 2424	The Drinking Milk Regulation 1998
1999	No 747	The Food Labelling (Amendment) Regulation 1999 – provide for the enforcement of Council Regulation (EC) No.11398 (OJ No. L159, 3.6.98, p4) concerning the compulsory indication, on the labelling of certain foodstuffs produced from genetically modified organisms, of particulars, other than those provided for in Directive 79/112/EEC. The products concerned are those which are to be delivered as such to the final consumer having been produced in whole or in part from genetically modified soya or maize.
1999	No 1136	The Miscellaneous Food Additive (Amendment) Regulations 1999.
1999	No 1483	The Food Labelling (Amendment) (No.2) Regulation 1999 – Implement Commission Directive 1999/10/EC (OJ No. L69,16.3.1999, p.22) providing for derogations on QUID.
1999	No.1540	The Natural Mineral Water, Spring Water and Bottled Water Regulation 1999.



## B: DECLARATION ON ADDITIVES

This is a general description of the requirements to declare additives used as ingredients in foods as provided by the Food Labelling Regulations 1996.

Additives used as ingredients to perform certain functions in pre-packed foods must be declared on the label. The appropriate category name of the additives function must be followed by its specific name or serial number. The categories are:

Acid	Flour treatment agent
Acidity regulator	Gelling agent
Anti-caking agent	Glazing agent
Anti-foaming agent	Humectant
Antioxidant	Modified starch
Bulking agent	Preservative
Colour	Propellant gas
Emulsifier	Raising agent
Emulsifying Salts	Stabiliser
Firming agent	Sweetener
Flavour enhancer	Thickener

There are other requirements of the regulations that apply to 3 specific categories and that applies when the additive serves more than one function

Flavourings may be declared by either that name alone or by a more specific name.

In the case of acids, if the specific name includes the word "acid", the category name may be omitted.

In the case of modified starches, neither the specific name nor the serial number need be indicated.

If an additive serves more than one function in a food the category name which represents its principal function must be used to describe it. Where no category name is available for the function performed by an additive in a food, the additive must be declared in the ingredients list by its specific name. A serial number cannot be used on its own.

In most instances, non-prepacked foods and foods which are pre-packed on the premises where they are sold are exempt from the above requirements. Exceptions are that any additive used in the food to perform the function of an antioxidant, artificial sweetener, colour, flavour enhancer or preservative must be indicated next to the name of the food, or on a ticket or notice displayed in immediate proximity to the food using the category name. However, in the case of edible ices and flour confectionery there need only be an indication that these additives may be present on a notice displayed near the food.

## C: LOT MARKING REGULATIONS

1996 No 1502

**THE FOOD (LOT MARKING) REGULATIONS 1996** - set out the lot marking requirements to be applied to all foodstuffs sold for human consumption (unless specifically exempted) including wines and spirits. They apply to Great Britain and came into force on 1 July 1996. They implement Council Directive 89/396/EEC (OJ No. L186, 30.6.89) on indications and marks identifying the lot to which a foodstuff belongs, as amended by Council Directives 91/238/EEC (OJ No. L107, 27.4.91) and 92/11/EEC (OJ No. L65, 11.3.92). The Directive

establishes a framework for a common lot (or “batch”) identification system throughout the Community in order to facilitate product recall along the whole of the food chain, for example where a product constitutes a health risk to consumers.

***Note: Enquiries regarding food labelling legislation should be addressed to the Food Standards Agency, Food Labelling, Policy Claims and Advertising Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8147). e-mail: labelling@foodstandards.gsi.gov.uk***

**D: WINE REGULATIONS:** the following EEC Regulations apply for the labelling of wine sector products (which includes still, sparkling, semi-sparkling, aerated and liqueur wines and grape must). These Regulations include restrictions on the use of the word ‘wine’.

(a) 1493/1999 (OJ No. L179) – as amended by 2585/2001 (OJ No. L345)

(b) 753/2002 (OJ No. L118) – as amended by 2086/2002 (OJ No. L321), 1205/2003 (OJ No. L168)

For the labelling of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails the following EEC Regulations apply:

(a) 1601/91 (OJ No. L149) as amended by 3279/92 (OJ No. L327) and by the Act of Accession of the Kingdom of Sweden, the Republic of Austria and the Republic of Finland (OJ. No. C241) and 3378/94 (OJ No. L366) and 2061/96 (OJ No. L277) apply and should be consulted.

The enforcement of EC Regulations in the UK, the production and marketing of wine and related products are:- The Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, SI 2001/686 (as amended by The Common Agricultural Policy (Wine) (Amendment) Regulations 2003, SI 2003/114),

**Further information on wine legislation can be obtained from the Department of Environment, Food and Rural Affairs, Food and Drink Industry Division, Alcoholic Drinks Branch, Room 251, Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone 020 7238 3193; Fax 020 7238 3177).**

## PART 3: REGULATIONS ON THE COMPOSITION AND LABELLING OF PARTICULAR FOODS

***Note: Enquiries regarding the legislation in this part should, unless otherwise stated, be addressed to: Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8164).***

### A: BREAD AND FLOUR

#### SI Number

- 1996 No 1499 The Food Labelling Regulations 1996.
- 1998 No 141 **THE BREAD AND FLOUR REGULATIONS 1998** - revoke and replace the Bread and Flour Regulations 1995 and the Bread and Flour (Amendment) Regulations 1996. They specify requirements for the composition, labelling and advertising of bread and flour and restrict the use of specified ingredients in the preparation of flour and bread. These Regulations also prescribe the levels of nutrients required in flour.
- The Regulations are amended by:
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998
- 1999 No 1136 The Miscellaneous Food Additives (Amendment) Regulations 1999.

***Note: Enquiries regarding the Bread and Flour Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115c Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8154).***

### B: CASEINS AND CASEINATES

#### SI Number

- 1985 No 2026 **THE CASEINS AND CASEINATES REGULATIONS 1985** - implement:
- Council Directive 83/417/EEC (OJ No. L 237, 26.8.83, p 25) on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption;
- These Regulations prescribe reserved descriptions, composition and manufacturing characteristics for edible acid casein, edible rennet casein and edible caseinates. The Regulations impose requirements for the labelling of casein products additional to those in the Food Labelling Regulations 1996.
- The Regulations are amended by:
- 1989 No 2321 The Caseins and Caseinates (Amendment) Regulations 1989 which implement first Commission Directive 85/503/EEC (OJ No. L 308, 20.11.85, p12) on methods of analysis for edible caseins and

		caseinates and first Commission Directive 86/424/EEC (OJ No. L 243,15.7.86 p.29) laying down methods of sampling for chemical analysis of edible caseins and caseinates;
1990	No 2486	The Food Safety Act (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1996	No 1499	The Food Labelling Regulations 1996.

***Note: Enquiries regarding the Casein and Caseintes Regulations should be addressed to: Food Standards Agency, Food Labelling Standards and Standards Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8160).***

## C: COCOA AND CHOCOLATE PRODUCTS

### SI Number

2003	No 1659	<b>THE COCOA AND CHOCOLATE PRODUCTS (ENGLAND) REGULATIONS 2003</b> – These Regulations implement Directive 2000/36/EC of the European Parliament and Council relating to cocoa and chocolate products intended for human consumption OJ No L197 3.8.2000 p 19
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The regulations define cocoa and chocolate products and specify requirements for their composition, labelling and advertisement, in particular by applying the Food Labelling Regulations 1996 (as amended) to Cocoa and chocolate products. This includes the application of reserved descriptions and the prohibition, with certain exceptions, of the use of those descriptions for other products. Control is also exercised over the extent to which other foodstuffs may be added.

***Note: Enquiries regarding the Cocoa and Chocolate Products Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8154).***

## D: COFFEE AND COFFEE PRODUCTS

### SI Number

2000	No 3323	<b>THE COFFEE EXTRACTS AND CHICORY EXTRACTS (ENGLAND) REGULATIONS) 2000</b>
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1. These Regulations, which apply to England, implement Directive 1999/4/EC of the European Parliament and the Council relating to coffee extracts and chicory extracts (OJ No. L66, 13.3.1999, p. 26). They revoke and replace the Coffee and Coffee Products Regulations 1978, as amended, in relation to England.

The Regulations -  
(a) prescribe definitions and reserved descriptions for coffee extracts and chicory extracts (regulation 2 and the Schedule);

(b) provide for the Regulations to apply to coffee extracts and chicory extracts ready for delivery to the ultimate consumer or to a catering establishment, except for the product known as *café torrefacto soluble* (regulation 3);

(c) restrict the sale of foods labelled with a reserved description (regulation 4);

(d) require reserved descriptions and specified declarations to be applied to designated products, and prescribe the manner of marking or labelling to be employed; certain provisions of the Food Labelling Regulations 1996, which govern the labelling of coffee extracts and chicory extracts except so far as specifically provided for in these Regulations, are applied to these specific requirements (regulations 5 and 6);

(e) provide for penalties and enforcement, include a transitional provision, and a defence in relation to exports (in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p. 23) on the official control of foodstuffs), apply various provisions of the Food Safety Act 1990 and make amendments and revocations (regulations 7 to 11).

**Note:** Enquiries regarding the *Coffee Extracts Chicory Extracts (England) Regulations* should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 815C Aviation House, 125 Kingsway, London WC2B 6NH (Telephone (0)20 7276 8154).

## E: CONDENSED AND DRIED MILK

### SI Number

2003 No 1596

### **THE CONDENSED MILK AND DRIED MILK REGULATIONS**

**2003-** These Regulations, which apply to England, implement Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk products intended for human consumption (OJ No. L15, 17.1.2002, p. 19). They revoke and replace the Condensed Milk and Dried Milk Regulations 1977, as amended, in relation to England.

The Regulations -

(a) prescribe definitions and reserved descriptions for condensed milk and dried milk products (regulation 2 and Schedules 1 and 2);

(b) provide for the Regulations to apply to milk and dried milk products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment (regulation 3);

(c) restrict the use of reserved descriptions to the designated condensed and dried milk products to which they relate (regulation 4);

(d) prescribe labelling requirements for designated condensed and dried milk products (regulation 5);

(e) prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (regulation 6);

(f) specify a penalty, enforcement authorities and, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs (OJ No. L186, 30.6.89, p. 23), a defence in relation to exports (regulations 7 and 8);

(g) apply various provisions of the Food Safety Act 1990 (regulation 9);

(h) revoke the previous Regulations and make consequential amendments and transitional provision (regulations 10 and 11). An effect of the revocation made by regulation 10(1)(a), and the absence of the re-enactment of a similar provision, is that Part II of the Food Labelling Regulations 1996 will apply to the products to which these Regulations apply.

***Note: Enquiries regarding the Condensed and Dried Milk Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London, WC2B 6NH. (Telephone (0)20 7276 8160).***

## **F: DRINKING MILK**

### SI Number

1998 No 2424 **THE DRINKING MILK REGULATIONS 1998** - make provision for the enforcement and execution of EC Council Regulation 2597/97 (OJ No. L351, 23.12.97, p.13) on marketing and quality standards for drinking milk in Great Britain.

***Note: Enquiries about legislation on the marketing and quality standards of drinking milk should be addressed to the Department of Environment, Food and Rural Affairs, Milk, Pigs, Eggs & Poultry Division, Floor 5 Area D, 9 Millbank, C/O Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone (0)20 7238 3091.***

## **G: ERUCIC ACID**

### SI Number

1977 No 691<sup>1</sup> **THE ERUCIC ACID IN FOOD REGULATIONS 1977** - Erucic acid is a normal constituent of some foods and is neither an additive nor a contaminant. These Regulations restrict the erucic acid content of oil or fat and of food to which oil or fat has been added. These Regulations are amended by:

1982 No 264<sup>2</sup> The Erucic Acid in Food (Amendment) Regulations 1982;

1982\* No 1727 The Food (Revision of Penalties) Regulations 1982;

1985\* No 67 The Food (Revision of Penalties) Regulations 1985 (Category 1);

- 1990 No 2486 The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991.

\* See entry on penalties on page 3

<sup>1</sup> & <sup>2</sup> These Regulations implement (respectively): Council Directive 76/621/EEC (OJ No. L202, 28.7.76 p35) relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils + fats; and Commission Directive 80/891/EEC (OJ No. L 254, 27.9.80, p.35) on the Community method of analysis for determining the erucic acid content in oils and fats intended for human consumption and foodstuffs containing added oils or fats.

***Note: Enquiries relating to erucic acid should be addressed to the Food Standards Agency, Food Labelling Standards and Consumer Protection Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8162).***

## H: LABELLING OF FISH AND FISH PRODUCTS

SI Number

### 2003 No 461 THE FISH LABELLING (ENGLAND) REGULATION 2003

These Regulations, which extend to England only, provide for the execution and enforcement of Title 1, Chapter 2 of Council Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products as applied by Commission Regulation (EC) 2065/2001 laying down detailed rules on the application of Council Regulation (EC) 104/2000 as regards informing consumers about fishery and aquaculture products.

The Regulation requires that certain fish and fish products must, when offered for retail sale to the final consumer, be labelled with the commercial designation of the species, method of production (i.e., whether caught at sea or inland waters or farmed) and the catch area. The Regulation also includes traceability provisions requiring that the labelling information is available at all stages of the marketing chain.

The Regulations also specify penalties for breach of the European regulation, a list of the commercial designations for common species of fish and allow omission under certain circumstances of references to the production method. Revokes Paragraph 1 of Schedule 1 to the Food Labelling Regulations 1996 (as amended) in relation to England

***Note: Enquiries regarding Fish Labelling Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115C Aviation House, 125 Kingsway, London WC2B 6NH (Telephone (0)20 7276 8152).***

## I: FLOUR - SEE BREAD & FLOUR

**J: FRUIT JUICES AND NECTARS**SI Number

2003 No 1564 **THE FRUIT JUICES AND FRUIT NECTARS REGULATIONS (ENGLAND) 2003**

These Regulations, which apply to England, implement Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ No. L10, 12.1.2002, p.58). They revoke and replace the Fruit Juices and Fruit Nectars Regulations 1977, as amended, in relation to England.

The Regulations -

- (a) prescribe definitions and reserved descriptions for certain designated fruit juice products (*regulation 2(2) and Schedule 1*);
- (b) prescribe the raw materials, treatment processes and additional ingredients to be used in preparation of designated products (*regulation 2(2) and Schedules 2, 3 and 4*);
- (c) prescribe minimum fruit juice content for products bearing the reserved description "fruit nectar" (*regulation 2(2) and Schedule 5*);
- (d) provide for the circumstances in which the Regulations apply (*regulation 3*);
- (e) restrict the use of reserved descriptions to the designated products to which they relate (*regulation 4*);
- (f) prescribe labelling requirements for such products (*regulation 5*);
- (g) make provision as to the manner of marking and labelling of designated products (*regulations 5 and 6*);
- (h) specify a penalty for contraventions and enforcement authorities (*regulation 7*);
- (i) in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs (OJ No. L186, 30.6.1989, p.23) and the European Economic Area Agreement, specify a defence in relation to exports (*regulation 8*);
- (j) apply various provisions of the Food Safety Act 1990 (*regulation 9*);
- (k) revoke the previous Regulations and make consequential amendments and transitional provision (*regulations 10 and 11*).

**Note: Enquiries regarding the Fruit Juices and Nectars regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115c Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8139).**



**K: HONEY**SI Number

2003 No 2243

**THE HONEY (ENGLAND) REGULATIONS 2003** – These regulations revoke the Honey Regulations 1976 in so far as they apply to England and implement Council Directive 2001/110/EC concerning honey (OJ No. L10, 12.1.2002, p.48). They also revoke and replace the Honey Regulations 1976, as amended, in relation to England.

The Regulations implement EC directive 2001/110 relating to honey. The Regulations define honey, including bakers honey and filtered honey and require country of origin labelling. They also remove the UK derogation for limit of HMF and will require HMF level of 40mg/kg.

· See entry on penalties on page 3

***Note: Enquiries regarding the Honey Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115c Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8154).***

**L: INFANT FORMULA AND FOLLOW-ON FORMULA**SI Number

1995 No 77

**THE INFANT FORMULA AND FOLLOW-ON FORMULA REGULATIONS 1995** - implement Commission Directive 91/321/EEC of 14 May 1991 (OJ No. L175, 4.7.91) on infant formula and follow-on formula.

These Regulations specify compositional requirements and place restrictions on the conditions for sale, labelling and packaging, advertising, promotion of and provision of information on infant and follow-on formulae. The Regulations also place controls on the export of infant formulae to third countries by implementing Council Directive 92/52/EEC of 18 June 1992 (OJ No. L179, 1.7.92) on infant formulae and follow-on formulae intended for export to third countries.

The Regulations are amended by:

1997 No 451

**THE INFANT FORMULA AND FOLLOW-ON FORMULA (AMENDMENT) REGULATIONS 1997** which implement Commission Directive 96/4/EC of 16 February 1996 (OJ No. L49, 28.2.96).

2000 No.1509

**THE INFANT FORMULA AND FOLLOW-ON FORMULA (AMENDMENT) (ENGLAND) REGULATIONS 2000-** which implement Commission Directive 1999/50/EC (OJ No. L139

2.6.99). These Regulations amend the Infant Formula and Follow-on Formula Regulations 1995 in relation to England, in implementation of Commission Directive 1999/50/EC amending Directive 91/321/EEC on infant formulae and follow-on formulae.

2. The Regulations extend the prohibitions in the 1995 Regulations on sale, or export to third countries, to food of that nature containing individual pesticide residues above a level of 0.01 mg/kg, measured when ready for use or when reconstituted according to the manufacturer's instructions (regulation 2(b)), and make consequential amendments (regulation 2(a)).

Similar Regulations have been enacted in Scotland Wales and Northern Ireland

2003 No. 3208

### **THE INFANT FORMULA AND FOLLOW-ON FORMULA (AMENDMENT) (ENGLAND) REGULATIONS 2003**

These regulations which come into force on 6<sup>th</sup> March 2005 make further amendments to the existing regulations )

They prohibit the sale, or export to third countries, of infant formulae or follow-on formulae containing pesticide residues above certain levels. Different levels are set depending on the pesticide in question (regulations 4, 5, 7 and 10 and Schedule); and make some consequential amendments (regulations 3 and 6).

In implementation of the final sentence of Article 6(2) of Directive 91/321/EEC as substituted by Commission Directive 1999/50/EC, provision is made as to analytical methods for determining levels of pesticide residues (regulation 7).

The Regulations also give port health authorities a role in enforcement (regulation 8); and make some technical changes to the provision applying various provisions of the Food Safety Act 1990 (regulation 9).

***Note: Enquiries relating to infant formula and follow-on formula legislation should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch , Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143).***

## **M: JAM AND SIMILAR PRODUCTS**

SI Number

2003 No3120

### **THE JAM AND SIMILAR PRODUCTS (ENGLAND) REGULATIONS 2003**

These Regulations, which apply to England, implement Council Directive 2001/113/EC concerning fruit jams, jellies and marmalades

and sweetened chestnut purée intended for human consumption (OJ No. L10, 12.1.2002, p. 67) and also contain national measures. They revoke and replace the Jam and Similar Products Regulations 1981, as amended, in relation to England.

They:

prescribe definitions and reserved descriptions for certain specified jam products (*regulation 2 and Schedules 1 and 2*). The products described in the entries numbered 1 to 7 of Schedule 1 are those in relation to which the Directive applies whilst those specified in the entries numbered 8 to 11 in Schedule 1 are included as national measures;

provide for the circumstances in which the Regulations apply (*regulation 3*);

restrict the use of reserved descriptions to the specified jam and similar products to which they relate (*regulation 4*);

prescribe labelling requirements for such products (*regulation 5*);

make provision as to the manner of marking and labelling specified jam and similar products (*regulation 6*);

specify a penalty for contraventions of the Regulations, enforcement authorities and, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs (OJ No. L186, 30.6.89, p. 23) and the European Economic Area Agreement, a defence in relation to exports (*regulations 7 and 8*);

apply various provisions of the Food Safety Act 1990 (*regulation 9*);

revoke the previous Regulations and make consequential amendments and transitional provision (*regulations 10 and 11*).

· See entry on penalties on page 3

***Note: Enquiries regarding the Jam and Similar Products Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch , Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8154).***

## **N: MEAT PRODUCTS AND SPREADABLE FISH PRODUCTS**

### SI Number

2003 No 2075

### **THE MEAT PRODUCTS (ENGLAND) REGULATIONS 2003**

In relation to England these Regulations revoke, and replace in part, the Meat Products and Spreadable Fish Products Regulations 1984 (S.I. 1984/1566, as amended) which extend to England and Wales (*Regulation 11*).

These require minimum compositional standards for reserved description meat products such as sausages, burgers, pies etc. using

the new EU definition of meat. They remove some reserved descriptions such as paste, pate and spreads, and do not cover spreadable fish products. These regulations do not implement a directive although the Regulations are a consequence of Directive 2001/101 which defines meat for the EU and was implemented by amendment to the Food Labelling Regulations.

The Regulations are amended by:

1985	No 67	The Food (Revision of Penalties) Regulations 1985;
1986	No 987	The Meat Products and Spreadable Fish Products (Amendment) Regulations 1986;
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1995	No 3123	The Sweeteners in Food Regulations 1995;
1995	No 3124	The Colours in Food Regulations 1995;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995;
1996	No 1499	The Food Labelling Regulations 1996.
1998	No 1398	The Food Labelling (Amendment) Regulations 1998.
1999	No 1136	The Miscellaneous Food Additives(Amendment)Regulations 1999.

***Note: Enquiries regarding the Meat Products and Spreadable Fish Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 815C Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8152).***

## **O: MILK AND MILK PRODUCTS - PROTECTION OF DESIGNATIONS**

### SI Number

1990	No 607	<b>THE MILK AND MILK PRODUCTS (PROTECTION OF DESIGNATIONS) REGULATIONS 1990</b> - make provision for the enforcement of Council Regulation (EEC) No 1898/87 of 2 July 1987 and Commission Decision 88/566/EEC of 28 October 1988 (listing the products referred to in Article 3(1) of Regulation 1898/87) which defines dairy names to be protected and prohibits their use for products other than those defined in the Regulation as milk or milk products. There are certain exemptions for a number of products where the "dairy" reference is clearly understood not to imply that the product is a dairy product (e.g. cream sherry, butter beans).
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The Regulations are amended by:

1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1995	No 3267	The Food (Miscellaneous Revocations and Amendments) Regulations 1995;
1996	No 1499	The Food Labelling Regulations 1996.

***Note: Enquiries regarding the Milk and Milk Products (Protection of Designations) Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115c, PO Box 31037, London SW1P 3WG (Telephone (0)20 7276-8160).***

## **P: THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER**

### SI Number

1999	No 1540	<p><b>THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER REGULATIONS 1999 -</b></p> <p>implements Council Directive 80/777/EEC on the approximation of the laws of Member States relating to the exploitation and marketing of natural mineral waters as amended by Directive 96/70/EEC of the European Parliament and of the Council. They also implement Council Directive 80/778/EEC relating to the quality of water intended for human consumption, in relation to other drinking water which is bottled or sold in a bottle.</p>
2004	No 656	<p><b>THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER (AMENDMENT)(ENGLAND) REGULATION 2004</b></p> <p>These Regulations, which apply to England only, implement Commission Directive 2003/40 establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters. They amend the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999.</p> <p>The Regulations -</p> <p>(a) prescribe a definition of authorised ozone-enriched air oxidation technique (<i>regulation 3 and the Schedule</i>);</p> <p>(b) allow, for the first time, treatment of natural mineral waters with an authorised ozone-enriched air oxidation technique (<i>regulation 4</i>);</p> <p>(c) set maximum limits for certain naturally-occurring substances in natural mineral water and standards for methods used to detect these substances (<i>regulation 5 and the Schedule</i>);</p> <p>(d) provide for a defence for products produced in other EEA States which do not yet conform to the limits, where the EEA State concerned has not yet implemented those limits and the deadline for</p>

implementation has not yet passed (*regulation 5*);

(e) prohibit the treatment of natural mineral water with unauthorised ozone-enriched air oxidation techniques (*regulation 6*);

(f) provide for an appropriate form of labelling indication on natural mineral water where it has undergone an authorised treatment with ozone-enriched air or where it contains a high level of fluoride (*regulation 7*);

(g) prohibit the sale of natural mineral water without the applicable labelling indications (which will become an offence by virtue of the operation of regulation 17 of the principal Regulations the penalty for which is specified by regulation 17 of the principal Regulations as being a fine not exceeding level 5 on the standard scale) (*regulation 8*);

(h) provide for an appropriate labelling indication where a spring water has undergone an authorised ozone-enriched air oxidation technique and prohibit its sale without that labelling indication (which will become an offence by virtue of the operation of regulation 11(5) of the principal Regulations, the penalty for which is specified by regulation 17 of the principal Regulations as being a fine not exceeding level 5 on the standard scale) (*regulation 9*);

(i) prohibit bottling or sale of water described as spring water if treated with an unauthorised ozone-enriched air oxidation treatment (*regulation 10*);

(j) create offences in relation to the prohibitions mentioned in paragraphs (c), (e) and (i) above (subject to penalties provided for in the principal Regulations as being a fine not exceeding level 5 on the standard scale) (*regulation 11*);

(k) introduce a transitional defence to allow the use of stock products bottled and labelled before 1st July 2004, where the product would otherwise be legal under existing law (*regulation 12*);

(l) provide that the maximum limits in the new Schedule 6 to be added to the principal Regulations shall be the relevant limits for recognition of a natural mineral water, replacing the limits in Schedule 3 to the principal Regulations for this purpose (*regulation 13*);

(m) insert a new Schedule 5 into the principal Regulations, which sets down -

(i) conditions to be satisfied before an ozone-enriched air oxidation technique can be authorised;

(ii) a process for obtaining a written authorisation for a treatment from a district council or London Borough;

(iii) a requirement to allow officers of the relevant authority to conduct periodic examinations of the process in order to check that the treatment continues to be necessary and is effective and safe;

(iv) the ability of an authority to withdraw authorisation by means of a written notice if conditions are not observed;

(v) a mechanism for applying to the Food Standards Agency for review of an authority's decision not to grant or to withdraw authorisation (*regulation 14, Schedule*);

(n) insert a new Schedule 6 into the principal Regulations, setting down maximum limits for certain naturally-occurring substances in natural mineral water (*regulation 14, Schedule*);

(o) insert a new Schedule 7 containing standards for scientific methods used to detect the substances specified in Schedule 6 (*regulation 14, Schedule*);

(p) make consequential amendments to the Food Safety (Sampling and Qualification) Regulations 1990 and the Food Safety (General Food Hygiene) Regulations 1995 to b

***Note: Enquiries relating to protection of designation regulations and the natural mineral water, spring water and bottled drinking water regulations should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8139).***

## Q: QUICK-FROZEN FOODS

### SI Number

1990	No 2615	<p><b>QUICK-FROZEN FOODSTUFFS REGULATIONS 1990</b> - implement Council Directive 89/108/EEC (OJ No. L 40,11.2.89 p.34) of 21 December 1988 on the approximation of Member State laws relating to quick-frozen foodstuffs for human consumption.</p> <p>These Regulations set out conditions for the packing, labelling and temperature controls during manufacture to retail sale, of quick-frozen foodstuffs other than ice cream.</p> <p>The Regulations are as amended by:</p>
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1994	No 298	<p>The Quick-Frozen Foodstuffs (Amendment) Regulations 1994 - implement Commission Directives:</p> <p>92/1/EEC (OJ No. L34,11.2.92, p28) on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption;</p> <p>92/2/EEC (OJ No. L 34,11.2.92, p30) laying down the sampling procedure and the Community analysis for the official control of quick-frozen foods intended for human consumption.</p>

***Note: Enquiries relating to quick-frozen foods should be addressed to the Food Standard Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8154).***

## R: SLIMMING FOODS

### SI Number

1997 No 2182 **THE FOODS INTENDED FOR USE IN ENERGY RESTRICTED DIETS FOR WEIGHT REDUCTION REGULATIONS 1997** - implement Commission Directive 96/8/EC of 26 February 1996 (OJ No. L55, 6.3.96) on foods intended for use in energy-restricted diets for weight reduction.

These Regulations introduce specific labelling, compositional and packaging controls on, and place a restriction on the advertising of, meal replacements and total diet replacements for weight control purposes.

***Note: Enquiries relating to slimming food legislation should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143) e-mail labelling@foodstandards.gsi.gov.uk***

## S: SPREADABLE FATS

### SI Number

1995 No 3116 **THE SPREADABLE FATS (MARKETING STANDARDS) (ENGLAND) REGULATIONS 1999** - these Regulations include enforcement and penalty provisions for directly applicable community rules (Council Regulation 2991/94, OJ No. L316, 9.12.94, p.2 as amended) relating to the marketing, labelling and presentation of spreadable fats. They also contain fortification requirements for vitamin A and D in margarine. Similar Regulations have been enacted in Scotland, Wales and Northern Ireland.

1998 No 452 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) REGULATIONS 1998** - enforce detailed rules on the application of Council Regulations 2991/94 and 1898/87 which are laid down in Commission Regulation (EC) No. 577/97 (OJ No. L 87, 2.4.97, p.3), amended by Regulations 1278/97 (OJ No. L175, 3.7.97, p.6) and 2181/97 (OJ No. L.299, 4.11.97, p.1).

1998 No 2538 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) (NO 2) REGULATIONS 1998** - enforce Commission Regulations 623/98 (OJ No. L85, 20.3.98, p.3) and 1298/98 (OJ No. L180, 24.6.98, p.5) laying down further detailed rules.

1999 No: 540 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) REGULATIONS 1999** - enforce Commission Regulation 2521/98 (OJ No. L315, 25.11.98, p.12) which amends the rules concerning the indication of the fat content of spreadable fats and verification of the declared fat content.

***Note: Enquiries relating to spreadable fats should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Food Law Policy Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8162).***



**T: SUGAR**SI Number

2003	No 1563	<b>THE SPECIFIED SUGAR PRODUCTS (ENGLAND) REGULATIONS 2003</b> - implement council directive 2001/111/EC relating to certain sugars intended for human consumption. Specified sugar products are now subject to the Food Labelling Regulations 1996 (as amended). There is a new reserved description for fructose and there are changes for the loss on drying for white sugars.
1982*	No 1727	The Food (Revision of Penalties) Regulations 1982;
1985*	No 67	The Food (Revision of Penalties) Regulations 1985 (Category 1);
1990	No 2486	The Food Safety Act (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1995	No 3124	The Colours in Food Regulations 1995;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995;
1996	No 1499	The Food Labelling Regulations 1996.
1998	No 1398	The Food Labelling (Amendment) Regulations 1998
1999	No 1136	The Miscellaneous Food Additives(Amendment) Regulations 1999.

· See entry on penalties on page 3

**Note: Enquiries regarding the Specified Sugar Products Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Standards and Authenticity Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8154).**

**U: WEANING FOODS**SI Number

1997	No 2042	<b>THE PROCESSED CEREAL-BASED FOODS AND BABY FOODS FOR INFANTS AND YOUNG CHILDREN REGULATIONS 1997</b> - implement Commission Directive 96/5/EC of 16 February 1996 (OJ No. L49, 28.2.96) on processed cereal-based foods and baby foods for infant and young children.
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These Regulations introduce specific labelling and compositional controls on processed cereal-based foods and other baby foods.

The Regulations are amended by:

- 1999 No 275 **THE PROCESSED CEREAL-BASED FOODS AND BABY FOODS FOR INFANTS AND YOUNG CHILDREN (AMENDMENT) REGULATIONS 1999** - which implement Commission Directive 98/36/EC of 2 June 1998 (OJ No. L167, 12.6.98) laying down further compositional criteria including maximum limits for vitamins, minerals and trace elements in fortified weaning foods.
- 2000 No. 1510 **THE PROCESSED CEREAL-BASED FOODS AND BABY FOODS FOR INFANTS AND YOUNG CHILDREN (AMENDMENT) (ENGLAND) REGULATIONS 2000** - which implement Commission Directive 1999/39/EC of 6 May 1999 (OJ No. L124, 18.5.99). Similar Regulations have been enacted in Scotland Wales and Northern Ireland
- These Regulations amend 1997 Regulations (above) in relation to England, in implementation of Commission Directive 1999/39/EC amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children.
- 2 The Regulations extend the prohibitions on manufacture and sale in the 1997 Regulations to food of that nature containing individual pesticide residues above a level of 0.01 mg/kg, measured when ready for use or when reconstituted according to the manufacturer's instructions (regulation 2(b)), and bring the reference to the 1996 Directive up to date (regulation 2(a)).

## V: MEDICAL FOODS

- 2000 No.845 **THE MEDICAL FOOD (ENGLAND) REGULATIONS 2000**
- implementing in England Commission Directive 99/21/EC (OJ No. L91, 7.4.99) (Corrigendum to 99/21/EC (OJ No. L2 5.1.00) on dietary foods for special medical purposes. Similar Regulations have been enacted in Scotland, Wales and Northern Ireland

**Note: Enquiries relating to medical foods and weaning foods legislation should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Labelling Policy and Advertising Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143) e-mail [labelling@foodstandards.gsi.gov.uk](mailto:labelling@foodstandards.gsi.gov.uk)**

## W: FOOD SUPPLEMENTS REGULATIONS

- 2003 No. 1387 **THE FOOD SUPPLEMENTS (ENGLAND) REGULATIONS 2003** - implement in England Directive 2002/46/EC (OJ No. L183,

12.7.2002) on food supplements. Similar Regulations have been enacted in Scotland, Wales and Northern Ireland.

The Regulations concern the sale of food supplements which are sold as food and presented as such; they include a definition of "food supplement".

The Regulations prohibit the sale of a food supplement to the ultimate consumer unless it is prepacked; prohibit the sale of a food supplement in the manufacture of which a vitamin or mineral has been used, unless certain compositional requirements are met; and prohibit the sale of a food supplement which is ready for delivery to the ultimate consumer or a catering establishment unless certain requirements as to labelling, presentation and advertising of the product are met.

**Note: Enquiries relating to the Food Supplements Regulations should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch , Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143).**

## **W: NOTIFICATION FOODS**

2000 No.333

**The Notification of Marketing of Food for Particular Nutritional Uses (England and Wales) Regulations 2002-** implementing for England and Wales Article 9 of Council Directive 89/398/EEC (OJ No. L186 30.6.89) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses, as amended by Directive 1999/41/EC (OJ No L172 8.7.99) of the European Parliament and of the Council. Similar Regulations have been enacted in Scotland and Northern Ireland

The Regulations concern foods which, owing to their special composition or manufacturing process, are clearly distinguishable from foods for normal consumption, and which are marketed as suitable for categories of consumers with disturbed digestive processes or metabolism or in a special physiological condition, or for infants or young children in good health, but which are neither covered nor to be covered by other Directives on specific types of foodstuffs for particular nutritional uses (the definition of "PNU food" in regulation 2(1) refers).

3. Article 9 of the Directive requires notification (followed, where necessary, by provision of supplementary material) to competent authorities of placing on the market of such products; the requirement applies when the product is manufactured or imported, and regulation 3 of these Regulations prohibits sale of products of that type by manufacturers and importers covered by the requirement unless they have complied with it. "Sell" is given an extended meaning in the Regulations (regulations 2(1) and 6(a) refer). In the case of products manufactured in England or Wales, or imported into England or Wales from outside the United Kingdom, the Food Standards Agency is the competent authority.

**Note:** Enquiries relating to The Notification of Marketing of Food for Particular Nutritional Uses (England and Wales) Regulations should be addressed to: Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch, Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143) Or Food Standards Agency (Wales), Food Safety & Nutrition Division, 1<sup>st</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW (Telephone 029 2067 8911)

## **X: ADDITION OF SUBSTANCES TO PARNUTS FOODS**

2002 No. 1817 **THE FOOD FOR PARTICULAR NUTRITIONAL USES (ADDITION OF SUBSTANCES FOR SPECIFIC NUTRITIONAL PURPOSES) (ENGLAND) REGULATIONS 2002**-implementing in England Commission Directive 2001/15/EC (OJ No. L52, 22.2.2001) as corrected (OJ No. L253, 21.9.2001) on substances that may be added for specific nutritional purposes in foods for particular nutritional uses. Similar Regulations have been enacted in Scotland, Wales and Northern Ireland.

These Regulations concern certain foods for particular nutritional uses (excluding infant formulae, follow-on formulae, processed cereal-based foods and baby foods intended for infants and young children) where there has been added to that food for a specific nutritional purpose a substance falling within one of the following categories : vitamins; minerals; amino acids; carnitine and taurine; nucleotides, choline and inositol. The Regulations prohibit the sale of such food unless the substance is listed under the relevant category in Schedule 1 or, in the case of foods for special medical purposes, is listed under the relevant category in either Schedule 1 or 2. Relevant purity criteria must be met for the substance.

The Regulations also impose general restrictions on the sale of certain foods for particular nutritional uses in the manufacture of which any substances have been used for specific nutritional purposes and require the manufacturer or importer to supply the Food Standards Agency with information on request to verify that those restrictions are met.

The Regulations require prior notification of the placing on the market for the first time of certain foods for particular nutritional uses to which L-tryptophan has been added for a specific nutritional purpose, and prohibit the sale of such foods where the notification requirement has not been met .

**Note:** Enquiries relating to this legislation should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch , Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143)

## **Y: REVOCATIONS**

SI Number

1991 No 1231

**THE FOOD (MISCELLANEOUS REVOCATIONS)**

**REGULATIONS 1991** - revoke Orders which prescribed compositional standards for mustard, self-raising flour, curry powder, tomato ketchup and suet. Those foods were required to comply with prescribed standards by virtue of article 1 of the Food Standards (General Provisions) Order 1944. These Regulations also revoke:

the Public Health (Imported Milk) Regulations 1926, which required imported milk to comply with certain hygiene requirements;

Salad Cream Regulations 1966 and the Salad Cream (Scotland) Regulations 1966, which prescribed compositional requirements for salad cream.

1995 No 3267

**THE FOOD (MISCELLANEOUS REVOCATIONS AND**

**AMENDMENTS) REGULATIONS 1995** - revoke the following Regulations in England and Wales:

the Soft Drinks Regulations 1964;

the Ice Cream Regulations 1967;

the Skimmed Milk with Non-Milk Fat Regulations 1960;

the Food Standards (Fish Cakes) Order 1950;

the Food Standards (General Provisions) Order 1944;

the Potassium Bromate (Prohibition as a Flour Improver) Regulations 1990.

The Regulations also revoke the parallel regulations for Scotland. In addition the Regulations amend the Food Labelling Regulations 1984, removing certain controls while retaining definitions and compositional requirements for ice cream and dairy ice cream; specifying requirements for the use of the words "low calorie" in relation to soft drinks and "tonic" in relation to "Indian tonic water"; and include the requirement that skimmed milk with non milk fat should be labelled as unfit for feeding to babies.

## PART 4: REGULATIONS DEALING WITH THE CHEMICAL SAFETY OF FOOD

**Note:** Enquiries regarding the legislation in this part should, unless otherwise stated, be addressed to the Food Standards Agency, Chemical Safety & Toxicology Division, Room 515 Aviation House, 125 Kingsway, London WC2B 6NH (Telephone (0)20-7276 8591 - sweeteners, flavourings and chloroform; or 8560 - other additives).

For enquiries on legislation where a contact is not given, please ring the Enquiry Point on 020 7276 8000.

### A: FOOD ADDITIVES LABELLING

#### SI Number

1992	No 1978	<b>THE FOOD ADDITIVES LABELLING REGULATIONS 1992</b> - implement certain provisions in Council Directive 89/107/EEC (OJ No. L40, 11.2.89, p.27) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption. These Regulations define food additives and lay down labelling requirements at retail and wholesale level for additives sold as such.
		The Regulations are amended by:
1995	No 3123	The Sweeteners in Food Regulations 1995;
1995	No 3124	The Colours in Food Regulations 1995;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995.
1996	No 1499	The Food Labelling Regulations 1996;
1999	No 1136	The Miscellaneous Food Additives (Amendment) Regulations 1999.
2001	No 3775	The Miscellaneous Food Additives (Amendment) (England) (No2) Regulations 2001

### B: AFLATOXINS

#### SI Number

2003	No 1956	<b>THE FOOD (PISTACHIOS FROM IRAN) (EMERGENCY CONTROL) (ENGLAND) REGULATIONS 2003</b> - makes provisions for the enforcement of European Commission Decision No 97/830/EC (OJ No. L343, 13.12.97, p.30) repealing Commission Decision No 97/613/EC as amended by Commission Decision 1998/400/EC (OJ No. L176, 20.6.98, p.37), Commission Decision 200/238/EC (OJ No. L75, 24.3.2000), p.59) and Commission Decision 2003/551/EC (OJ No L187, 26.7.03, p.43) on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in or consigned from Iran and imposing special conditions on the import of such products. Further details are available from the contact address on the next page.
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2003 No 2074

**THE FOOD (PEANUTS FROM EGYPT) (EMERGENCY CONTROL) (ENGLAND) REGULATIONS 2003** – makes provisions for the implementation of European Commission Decision 2000/49/EC (OJ No. L19, 25.1.00, p.46) repealing Commission Decision 1999/356/EC as amended by Commission Decision 2003/580/EC (OJ No. 197, 5.8.03, p.31) on the lifting of the temporary ban of imports of peanuts and certain products derived from peanuts originating or consigned from Egypt.

These Regulations provide for additional measures that require:

- official Egyptian certificates to accompany each consignment;
- that consignments may only enter the EU at specified points;
- each consignment to have an identification code which must also be on the official certificate;
- the UK Port Health Authorities to check all consignments for certificates and re-test them for aflatoxin B<sub>1</sub> and total aflatoxins;
- random sampling and analysis to be carried out on approximately 20% of the consignment of products for each category of the product.

Consignments with unacceptable contamination will not be released onto the market.

2003 No 1958

**THE FOOD (PEANUTS FROM CHINA) (EMERGENCY CONTROL) (ENGLAND) (No. 2) (AMENDMENT) REGULATIONS 2003** – makes provisions for the implementation of European Commission Decision 2002/79/EC (OJ No. L34, 5.2.02, p.21) as amended by Commission Decision 2002/233/EC (OJ No. L78, 21.3.02, p.14), Commission Decision 2002/678/EC (OJ No. L229, 27.8.02, p.33) and Commission Decision 2003/550/EC (OJ No. L187, 26.7.03, p.39) imposing special conditions on the import of peanuts and certain products derived from peanuts originating or consigned from China. Further details are available from the contact address below.

2003 No 1957

**THE FOOD (FIGS, HAZELNUTS AND PISTACHIOS FROM TURKEY) (EMERGENCY CONTROL) (ENGLAND) (No. 2) (AMENDMENT) REGULATION 2003** – makes provisions for the implementation of European Commission Decision 2002/80/EC (OJ No. L34, 5.2.02, p.26) as amended by Commission Decision

2002/233/EC (OJ No. L78, 31.3.02, p.14), Commission Decision 2002/679/EC (OJ No. L229, 27.8.02, p.37) and Commission Decision 2003/552/EC (OJ No. L187, 26.7.03, p.47) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating or consigned from Turkey. Further details are available from the contact address below.

2003 No 1722

**THE FOOD (BRAZIL NUTS) (EMERGENCY CONTROL) (ENGLAND) REGULATION 2003** – makes provisions for the implementation of European Commission Decision 2003/493/EC (OJ No. L168, 5.7.03, p.33) imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil. Further details are available from the contact address below.

2003 No 2988

**THE FOOD (BRAZIL NUTS) (EMERGENCY CONTROL) (ENGLAND) (AMENDMENT) REGULATION 2003**

These Regulations amend the Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722).

They bring the rules governing the re-dispatch of consignments of Brazil nuts which are found to have excessive levels of aflatoxin B1 and aflatoxin total into line with the requirements of Article 6 of Commission Decision 2003/493/EC imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil (OJ No. L168, 5.7.2003, p.33) (*regulation 2(2)*).

These Regulations remove unnecessary wording from the provision in S.I. 2003/1722 (*regulation 6(2)*) which provides that a notice ordering the re-dispatch or destruction of illegal imports of Brazil nuts has to contain information about the right of appeal (*regulation 2(2)*).

These Regulations also revise regulation 6(3) of S.I. 2003/1722 to clarify that on an appeal to a magistrates' court against a notice ordering the re-dispatch or destruction of illegal imports of Brazil nuts the court must uphold the notice or set it aside (*regulation 2(2)*).

**Note: Enquiries regarding aflatoxins legislation should be addressed to the Food Standards Agency, Chemical Contaminants and Animal Feed Division, Branch E, Room 707 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone 020 7276 8720).**

## **C: KAVA- KAVA IN FOOD (ENGLAND) REGULATIONS 2002**

2002 No. 3169 **THE KAVA-KAVA IN FOOD (ENGLAND) REGULATIONS 2002**

prohibit the sale, possession for sale, offer, exposure or advertisement for sale, and the importation into England from outside the United Kingdom, of any food consisting of, or containing, Kava-kava (being a plant or part of a plant, or an extract from such a plant, belonging to the species *Piper methysticum*).



2004 No. 455 **THE KAVA-KAVA IN FOOD (ENGLAND)(AMENDMENT) REGULATIONS 2004**

These Regulations amend the Kava-kava in Food (England) Regulations 2002 (S.I. 2002/3169) which prohibit the sale, possession for sale, offer, exposure or advertisement for sale, and the importation into England from a country outside the United Kingdom, of any food consisting of, or containing, Kava-kava (being a plant, or any part of or an extract from a plant, belonging to the species *Piper methysticum*).

These Regulations provide for an exception to the prohibition imposed by the Kava-kava in Food (England) Regulations 2002 where the food is imported from an EEA State, if it originates from such a State or originates outside the EEA but is in free circulation in member States (within the meaning of Article 23.2, as read with Article 24, of the EC Treaty), and is being, or is to be, exported to an EEA State other than the United Kingdom (*regulation 2(3)*).

**Note: Enquiries relating to the Kava-kava Regulations should be addressed to the Food Standards Agency, Food Labelling and Standards Division, Labelling Policy, Claims and Advertising Branch , Room 115 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8143).**

## D: ARSENIC

### SI Number

1959	No 831	<b>THE ARSENIC IN FOOD REGULATIONS 1959</b> - lay down a general limit of 1 milligram per kilogram for arsenic in food.  <i>[NB - the schedule to the Regulations gives details of foods to which a separate limit applies].</i>  The Regulations are amended by:
1960	No 2261	The Arsenic in Food (Amendment) Regulations 1960;
1973	No 1052	The Arsenic in Food (Amendment) Regulations 1973
1982*	No 1727	The Food (Revision of Penalties) Regulations 1982;
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 1971	The Flavouring in Food Regulations 1992;

- See entry on penalties on page 3

**Other Regulations Setting Limits For Arsenic in Foods**

- 1995 No 3124            The Colours in Food Regulations 1995 – enforces Commission Directive 95/45/EC (OJ No L226,22.9.95) which sets a limit of 3mg/kg of arsenic in colours
- 1998 No 1398            The Bread and Flour Regulations

***Note: Enquiries regarding this Regulation should be addressed to the Food Standards Agency, Contaminants Division, Branch F, Room 707 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)207-276 8730).***

**E: CHEMICAL CONTAMINANTS**SI Number

- 2003 No 1478            **THE CONTAMINANTS IN FOOD (ENGLAND) REGULATIONS 2003\*** – These Regulations, which extend to England only and revoke and re-enact with changes the Contaminants in Food (England) Regulations 2002 (S.I. 2002/890, as amended) - make provision for the enforcement and execution of Commission Regulation (EC) No. 466/2001 (*Official Journal L 77, 16/03/2001, P. 1-13*), which sets maximum levels for certain contaminants in foodstuffs. The Commission Regulation prohibits the placing on the market of foodstuffs containing higher contaminant levels than those specified in its Annex. Section 1 of Annex 1 sets maximum levels for nitrate, Section 2 sets maximum levels for mycotoxins, Section 3 sets maximum levels of heavy metals and Section 4 sets maximum levels for 3-MCPD and section 5 sets maximum levels for dioxins.

\* Corresponding Regulations apply separately in Scotland, Northern Ireland and Wales

**Commission Regulations (EC) No. 466/2001 are amended by:**

**Commission Regulation (EC) No. 2375/2001** (*Official Journal L 321, 06/12/2001, P. 1-5*) – introduces limits for dioxins, applies from 1 July 2002.

**Corrigendum to Council Regulation (EC) No 466/2001 of 8 March 2001** (*Official Journal L 313, 30/11/2001, P. 60*) – amends the reference to Council Regulation (EEC) No 1601/91.

**Commission Regulation (EC) No. 221/2002** (*Official Journal L 37, 07/02/2002, P. 4*) – amends the limits for heavy metals.

**Commission Regulation (EC) No. 257/2002** (*Official Journal L 41, 13/02/2002, P. 12-15*) – introduces limits for aflatoxins in raw cereals, other than maize, and confirms limits for nuts and dried fruit to be subjected to a sorting, or other physical treatment before their human consumption or their use as an ingredient in foodstuffs.

**Commission Regulation (EC) No. 472/2002** (*Official Journal L 75, 16/03/2002, P. 18-20*) – introduces limits for aflatoxins in certain spices and ochratoxin A in foodstuffs, applies from 5 April 2002.

**Corrigendum to Commission Regulation (EC) No 472/2002 of 12 March 2002 amending Regulation (EC) No 466/2001** (*Official Journal L 80, 23/02/2002, P. 42*) – amends the Annex of Regulation (EC) No. 466/2001.

**Commission Regulation (EC) No. 563/2002** (*Official Journal L 86, 03/04/2002, P. 5-6*) – amends the limits for nitrate in lettuce and spinach.

**Corrigendum to Commission Regulation (EC) No 563/2002 of 2 April 2002 amending Regulation (EC) No 466/2001** (*Official Journal L 155, 14/06/02, P. 63*) – makes a minor amendment to the Annex of Regulation (EC) No. 466/2001.

**The above regulations revoke and replace the Contaminants in Food (England) Regulations 2002**

**The following Directives on sampling and analysis have also been agreed and should be used by enforcement officials:**

**Commission Directive 98/53/EC** (*Official Journal L 201, 07/07/1998, P. 93-101*) **as amended by Commission Directive 2002/27/EC** (*Official Journal L 75, 16/03/2002, P. 44-45*) – lays down sampling methods and methods of analysis for aflatoxins in foodstuffs.

**Commission Directive 2001/22/EC** (*Official Journal L 77, 16/03/2002, P. 14-21*) **as amended by Commission Decision 2001/873** (*Official Journal L 325, 08/12/2001, P.34*) - lays down sampling methods and methods of analysis for lead, cadmium, mercury and 3-MCPD in foodstuffs.

**Commission Directive 2002/26/EC** (*Official Journal L 75, 16/03/2002, P. 38-43*) – Lays down sampling methods and methods of analysis for ochratoxin A in foodstuffs.

**Commission Directive 2002/63/EEC** (*Official Journal L 187, 16/07/2002, P. 30-43*) – Lays down sampling methods for nitrate in lettuce and spinach.

**Commission Directive 2002/69/EC** (*Official Journal L 252, 20/09/2002, P. 40*) – Lays down sampling methods and methods of analysis for dioxins and dioxin-like PCBs in foodstuffs.

***Note: Enquiries regarding Section D should be addressed to the Food Standards Agency, Chemical Contaminants & Animal Feed Division Division, Room 707C, Aviation House. Lead, Cadmium, Mercury and Dioxins (Telephone (0)20 7276 8730), 3-MCPD (Telephone (0)20 7276 8714), Aflatoxins (Telephone (0)20 7276 8720), Nitrate (Telephone (0)20 7276 8720).***

## F: CHLOROFORM

### SI Number

1980	No 36	<b>THE CHLOROFORM IN FOOD REGULATIONS 1980</b> - make it an offence to sell or import food containing added chloroform.  The Regulations are amended by:
1982*	No 1727	The Food (Revision of Penalties) Regulations 1982;
1985*	No 67	The Food (Revision of Penalties) Regulations 1985 (Category 1);
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991.

\* See entry on penalties on page 3

## G: COLOURS

### SI Number

1995	No 3124	<b>THE COLOURS IN FOOD REGULATIONS 1995</b> - implement European Parliament and Council Directive 94/36/EC (OJ No. L237, 10.9.94) on colours for use in foodstuffs and Commission Directive 95/45/EC (OJ No. L226, 22.9.95) laying down specific criteria of purity concerning colours for use in foodstuffs. They define "food additive" and "colour"; list the permitted colours and, by cross-reference, the purity criteria with which they must comply; set down conditions of use for colours in food; control the sale of colours direct to the public and prohibit the sale and use of colours and the sale of food containing colours, which do not comply with these provisions.
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2000 No 481 **THE COLOURS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2000** - amend the Colours in Food Regulations 1995 so as to cover Commission Directive 1999/75/EC (O.J. No. L206, 5.8.1999,p.19), which changed the specification for "E160a(i) Mixed Carotenes".

2001 No 3442 **THE COLOURS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2001** - These Regulations, which extend to England only, further amend the Colours in Food Regulations 1995, which extend to Great Britain, by bringing up to date a reference to Commission Directive 95/45/EC on specific purity criteria so as to cover its amendment, as regards the specifications for mixed carotenes and beta-carotene, by Commission Directive 2001/50/EC amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in food stuffs (OJ No. L190, 12.7.2001, p.14) and by bringing up to date references to the 1995 Regulations in other Regulations.

## H: EXTRACTION SOLVENTS

### SI Number

1993 No 1658 **THE EXTRACTION SOLVENTS IN FOOD REGULATIONS 1993** - implement the provisions of Council Directive 88/344/EEC (OJ No. L157, 24.6.88) as amended by Council Directive 92/115/EEC (OJ No. L409, 31.12.92) on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients. They lay down a list of permitted extraction solvents and in certain cases, restricted conditions of use. The Regulations lay down specifications of purity and prescribe labelling requirements for extraction solvents.

The Regulations are amended by:

1995 No 1440 The Extraction Solvents in Food (Amendment) Regulations 1995 - which implement European Parliament and Council Directive 94/52/EC (OJ No. L331, 21.12.94).

1998 No 2257 The Extraction Solvents in Food (Amendment) Regulations 1998 - This implement European Parliament and Council Directive 97/60/EC (OJ No.L331, 3.1.97)

## I: FLAVOURINGS

### SI Number

1992 No 1971 **THE FLAVOURINGS IN FOOD REGULATIONS 1992** - implement certain provisions in Council Directive 88/388/EEC (OJ No. L184, 15.7.88) on the approximation on the laws of Member States relating to flavourings for use in foodstuffs and to source materials for their production, as amended by Commission Directive 91/71/EEC (OJ No. L42, 15.2.91).

These regulations define categories of flavourings to be controlled; lay down limits for certain undesirable substances which are present in some flavourings and should therefore be restricted; prohibit the sale or importation of food having in it or on it any flavouring which is not a permitted flavouring (i.e. does not comply with the general provisions) and set down labelling requirements for business and consumer sales of flavourings sold as such.

The Regulations are amended by:

1994 No 1486

**THE FLAVOURINGS IN FOOD (AMENDMENT) REGULATIONS 1994.**

## **J: FOOD CONTACT MATERIALS AND ARTICLES**

***Note1: An Explanatory Note on the food contact materials and articles legislation is available from the Food Standards Agency, Food Contact Materials Unit, Chemical Safety and Toxicology Division, Branch 5, Room 515c Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)207 276 8553; fax (0)20 7276 8555).***

***Note2: The Materials and Articles in Contact with Food Regulations 1987 and the Plastic Materials and Articles in Contact with Food Regulations 1998 cover Great Britain only. Northern Ireland has separate, but similar, provisions, and any enquiries should be addressed to the Health Protection Branch, Department of Health and Social Services Northern Ireland (DHSS NI), Annexe 4, Castle Buildings, Stormont, Belfast BT4 3RA. (Telephone 01232 522333) In addition, since devolution, Scotland and Wales also have their own provisions that reflect the measures described here, the relevant Statutory Instrument (SI) references are provided under the English SI.***

### SI Number

1987 No 1523

**THE MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1987** - re-enact the Materials and Articles in Contact with Food Regulations 1978, as amended; and implement Council Directive 83/229/EEC (OJ No. L123, 11.5.83), as amended by Commission Directive 86/388/EEC (OJ No. L128, 14.8.86).

These Regulations:

- set out the general requirement that all food contact materials and articles should not transfer their constituents to food in quantities which could endanger human health or make the food otherwise unacceptable to consumers;
- lay down requirements for labelling materials and articles as suitable for food contact use;
- restrict the use of vinyl chloride monomer (VCM) in the manufacture of food contact plastics, by setting a residual limit of 1 milligram VCM per kilogram of material or article and a migration limit of 0.01 milligrams VCM per kilogram of food, and laying down the laboratory methods for testing compliance with these restrictions; and

- place controls on food contact Regenerated Cellulose Film (RCF), by establishing a “positive list” of substances that can be used in the manufacture of coated and uncoated RCF, and setting migration limits for some substances.

The 1978 regulations implemented the framework Council Directive 76/893/EEC, which was replaced by Council Directive 89/109/EEC (OJ No. L 40 of 11.2.89). The 1987 regulations, which re-enact the 1978 regulations, did not require amendment to implement 89/109/EEC.

The Regulations are amended by:

- 1990 No 2487 The Food Safety Act 1990 (Consequential Modifications) (No. 2) (Great Britain) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991, which implement Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89); and
- 1994 No 979 The Materials and Articles in Contact with Food (Amendment) Regulations 1994, which implement Commission Directive 93/10/EEC (OJ No. L94, 17.4.93), as amended by Commission Directive 93/111/EEC (OJ No. L310, 14.12.93) and Commission Directive 92/15/EEC (OJ No. L102, 16.4.92) amending Council Directive 83/229/EEC (OJ No. L123, 11.5.83).
- 1998 No 1376 **THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1998** - which consolidate previous legislation on food contact plastics and implement Commission Directive 97/48/EC (OJ No. L222, 12.8.97), the second amendment to Council Directive 82/711/EEC.

The 1998 Regulations:

- set an overall migration limit for all food contact plastics of 10 milligrams per square decimetre of plastic surface area, in general, or 60 milligrams per kilogram of food, specifically for containers (or similar receptacles) with a capacity of from 0.5 to 10 litres, or which have a contact area that cannot be determined, and for sealing devices, such as caps, gaskets and stoppers;
- establish “positive lists” of monomers and starting substances permitted for use in the manufacture of food contact plastics. Many of the substances have a time limit on their use. Some of the substances have specific migration limits. The Regulations also establish an “incomplete list” of additives approved by the EC’s Scientific Committee for Food for use in food contact plastics; and
- lay down the basic rules necessary, including test times, temperatures and simulants, for testing migration from food contact plastics, and thereby for checking compliance with the requirements of the Regulations.

The Regulations are amended by:

- 2000 No 3162 **THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2000**, which implement Commission Directive 1999/91/EC (OJ No. L310, 04.12.1999)
- 2002 No 2364 **THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2002**, which implement Commission Directive 2002/16/EC (OJ No L51, 22.02.02).
- 2002 No 3008 **THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD (AMENDMENT) (ENGLAND) (NO. 2) REGULATIONS 2002**, which implement Commission Directive 2002/72/EC (OJ No L220, 19.8.2002).
- 1972 No 1957 **THE COOKING UTENSILS (SAFETY) REGULATIONS 1972** - these Regulations (which do not implement EC legislation) restrict the lead content of tin or other metallic coatings on kitchen utensils.
- 1988 No 1647 **THE CERAMIC WARE (SAFETY) REGULATIONS 1988** - implement Council Directive 84/500/EEC (OJ No. L277, 20.10.84). These Regulations require compliance with British Standard 6748:1986, which sets limits for the migration of lead and cadmium from ceramic articles.
- 1995 No 1012 **THE N-NITROSAMINES AND N-NITROSATABLE SUBSTANCES IN ELASTOMER OR RUBBER TEATS AND DUMMIES (SAFETY) REGULATIONS 1995** - implement Commission Directive 93/11/EEC (OJ No. L93, 17.4.93). These Regulations restrict the amount of release of N-nitrosamines and N-nitrosatable substances in the rubber of babies' teats and dummies.

***Note: Enquiries about the Rubber Teats and Dummies Regulations (SI 1995 No. 1012) should be addressed to the Consumer Safety Unit, Consumer and Competition Policy Directorate, Department of Trade and Industry, 4.H.2, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20 7215-0361).***

***Enquiries about the Cooking Utensils and Ceramic Ware Regulations (SI 1972 No. 1957 and SI 1988 No. 1647) should be addressed to the Consumer Safety Unit, Consumer and Competition Policy Directorate, Department of Trade and Industry, 4.G.6, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20 7215-0359).***

## **K: MINERAL HYDROCARBONS**

### SI Number

- 1966 No 1073 **THE MINERAL HYDROCARBONS IN FOOD REGULATIONS 1966** - prohibit (subject to certain exceptions relating to lubricants,



chewing compounds and the rind of cheese and permitted miscellaneous additives) hydrocarbons in the composition or preparation of food; lay down specifications for mineral hydrocarbon and a test for the presence of polycyclic hydrocarbon.

The Regulations are amended by:

1982*	No 1727	The Food (Revision of Penalties) Regulations 1982;
1985*	No 67	The Food (Revision of Penalties) Regulations 1985 (Category 1);
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995.

\* See entry on penalties on page 3

## L: MISCELLANEOUS ADDITIVES

### SI Number

1995	No 3187	<p><b>THE MISCELLANEOUS FOOD ADDITIVES REGULATIONS 1995</b> - implement European Parliament and Council Directive 95/2/EC (OJ No. L61, 18.3.95) on food additives other than colours and sweeteners ("miscellaneous additives"), together with various directives governing purity criteria. They define each class of miscellaneous food additives and list those which are permitted; specify the purity criteria with which they must comply; set conditions on their use; control their sale direct to the public; and prohibit the sale and use of miscellaneous additives and the sale of food containing them, which do not comply with these provisions.</p>
1997	No 1413	<p><b>THE MISCELLANEOUS ADDITIVES (AMENDMENT) REGULATIONS 1997</b> - implement EC Directives 96/85/EC (OJ No. L86, 19.12.96) amending Directive 95/2/EC on food additives other than colours and sweeteners, and 96/77/EC (OJ No. L339, 2.12.96) laying down specific purity criteria on food additives other than colours and sweeteners. The Regulations also amend the 1995 Regulations to authorise a variation to the existing 2 year national authorisation to permit propane, butane and iso-butane to be used in water based emulsion sprays until December 1997. In addition, they amend the fruit Juices and Nectars 1977 to reflect an EC prohibition on the simultaneous use of added acids and added sugar in fruit juices and make two minor amendments to bring the text of the 1995 Regulations more closely in line with the wording used in Directive 95/2/EC.</p>
1999	No 1136	<p><b>THE MISCELLANEOUS FOOD ADDITIVES (AMENDMENT) REGULATIONS 1999</b> - implement European Parliament and Council Directive 98/72/EC (OJ No. L295, 15.10.98. p18) amending Directive 95/2/EC on food additives other than colours and sweeteners, and Commission Directive 98/86/EC (OJ No.L334, 9.12.98. p 1) amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners. The Regulations add flour treatments agents, previously regulated at national level, to the</p>

list of EC harmonised additives categories controlled as miscellaneous additives; add four new additives to the list of miscellaneous additives generally permitted for use in most processed foods; provide for additional uses of additives in various foods; add a number of new substances to the list of permitted carriers and solvents; provide for additional uses of certain additives in specified foods for infants and young children, including such foods for special medical purposes; and place additional restrictions on the use of additives in plain pasteurised cream and reduce the level of sulphur dioxide permitted in certain sugars.

2001 No 60

**THE MISCELLANEOUS FOOD ADDITIVES (AMENDMENT) (ENGLAND) REGULATION 2001**

- These Regulations, which apply to England only, amend the Miscellaneous Food Additives Regulations 1995, as amended ("the principal Regulations").

The Regulations implement Commission Directive 2000/63/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L277, 30.10.2000, p. 1).

Subject to a transitional provision, the Regulations amend the existing requirements in the principal Regulations as regards the purity criteria for butylated hydroxyanisole (BHA) and specify new purity criteria in relation to the additives specified in Annex II to Commission Directive 2000/63/EC (regulations 3 to 5).

The Regulations also make consequential amendments to the instruments specified in regulation 4, as regards references in those instruments to the principal Regulations (regulation 6).

2001 No 3775

**THE MISCELLANEOUS FOOD ADDITIVES (AMENDMENT) (ENGLAND) (No2) REGULATION 2001**

These Regulations, which extend to England only, amend the Miscellaneous Food Additives Regulations 1995, as already amended ("the principal Regulations"), which extend to Great Britain.

The Regulations implement -

(a) Commission Directive 2001/30/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L146, 31.5.2001, p. 1); and

(b) Directive 2001/5/EC of the European Parliament and of the Council amending Directive 95/2 on food additives other than colours and sweeteners (OJ No. L55, 24.2.2001).

Subject to a transitional provision, the Regulations specify new purity criteria in relation to the additives specified in the Annex to Commission Directive 2001/30/EC (*regulations 3 (b) and (c), 4 and 8*) and make related amendments to certain Regulations as regards references in those Regulations to the principal Regulations (*regulation 9*).

The Regulations also -

(a) add one new additive to the list, in Schedule 1 to the principal Regulations, of miscellaneous food additives generally permitted for use in foods not referred to in Schedule 6, 7, or 8 to those Regulations (*regulation 5*);

(b) modify the list, in Schedule 3 to the principal Regulations, of miscellaneous food additives which may be included in certain foods, by adding four new additives to that list and specifying additional foods in which Glycerol esters of wood rosins may be contained (*regulation 6*); and

(c) modify the list of permitted carriers and carrier solvents in Schedule 4 to the principal Regulations by incorporating an E Number for Propan - 1, 2-diol (propylene glycol) (*regulation 7*).

2003 No. 1008 **THE MISCELLANEOUS FOOD ADDITIVES (AMENDMENT) (ENGLAND) REGULATIONS 2003**- These Regulations implement Commission Directive 2002/82/EC amending Directive 96/77/EC laying down specific purity criteria for food additives other than colours and sweeteners (OJ No L292, 28.1.2002, p.1)

2004 No. 1151 **THE FOOD (JELLY CONFECTIONERY) (EMERGENCY CONTROL) (ENGLAND) (AMENDMENT) REGULATIONS 2004**

1. These Regulations amend the Food (Jelly Confectionery) (Emergency Control) (England) Regulations 2002 (S.I. 2002/931) to implement in relation to England the Commission Decision of 13th April 2004 suspending the placing on the market and import of jelly mini-cups containing the food additives E400, E401, E402, E403, E404, E405, E406, E407, E407a, E410, E412, E413, E414, E415, E417 and / or E418.

2. These Regulations extend the prohibitions imposed by regulation 3 of S.I. 2002/931 (which relate respectively to the carrying out of commercial operations with regard to jelly confectionery containing the food additive E425 : Konjac and the use of that additive in the manufacture of jelly confectionery) in relation to jelly mini-cups containing the food additives specified in paragraph 1 above (*regulation 2(2)(b) and (d) and (4)*) and make consequential changes to S.I. 2002/931 in the light of that extension (*regulation 2(2)(a), (c) and (d), (3), (5) and (6)*).

3. These Regulations also insert a revised definition of "port health authority" into regulation 2(1) of S.I. 2002/931 (*regulation 2(2)(d)*).

## M: PESTICIDES

### SI Number

1999 No 3483 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES REGULATIONS 1999**

This is the principal Regulation in a series establishing a regime for setting and controlling pesticides residues in crops, food and feedingstuffs.

This regulation and the amendments to it which are listed below:

- set pesticide maximum residue levels (MRLs) in crops, food and feeding stuffs.
- define the parts of products to which MRLs apply (e.g. nuts only after removal of the shell);
- specify how MRLs apply to dried or processed products and composite foods;
- define the residues for all listed active substances (listing all relevant metabolites);
- specify the methodology to be adopted when sampling and analysing products for residues; and
- confer powers to seize and dispose of products where MRLs are exceeded.

This Regulation and amendments implement the following Council Directives and subsequent amendments:

- 86/362/EEC (OJ No. L221, 7.8.86) relating to pesticide residues in cereal products;
- 86/363/EEC (OJ No. L221, 7.8.86) relating to pesticide residues in animal products; and
- 90/642/EEC (OJ No. L350, 14.12.90) relating to pesticide residues in certain products of plant origin, including fruit and vegetables.

The Regulation is made under Section 2(2) of the European Communities Act 1972 and Part III of the Food and Environment Protection Act 1985 (FEPA). It consolidates and replaces the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (as amended).

This Regulation implements Commission Directive 1997/71/EC (OJ No. L 194, 27.7.99) which set new MRLs for the active substance azoxystrobin.

2001 No 1113 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2001**

The first amending Regulations to the principal Regulations implements Commission Directives 2000/24/EC (OJ No. L107, 4.5.00), 2000/42/EC (OJ No. L158, 30.6.00), 2000/48/EC (OJ No. L197, 3.8.00), 2000/57/EC (OJ No. L244, 29.9.00) and 2000/58/EC (OJ No. L244, 29.9.00). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

These Regulations remove certain MRLs in the principal Regulations previously established by UK authorities under FEPA. EC MRLs have replaced these.

These Regulations also introduce new products (papaya and chilli peppers) to the list of commodities subject to MRLs

2001 No 2420 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) (No.2) REGULATIONS 2001**

The second amending Regulations to the principal Regulations implements Commission Directives 2000/81/EC (OJ No. L326, 22.12.00), 2000/82/EC (OJ No. L3, 6.1.01), 2001/35/EC (OJ. L136. 18.5.01) and in relation to diphenylamine on apples and pears Commission Directive 2000/57/EC (OJ No. L244, 29.9.00). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

These Regulations remove MRLs for tecnazene in the principal Regulations previously established by UK authorities under FEPA. EC MRLs have replaced these.

2001 No 3834 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) (No.3) REGULATIONS 2001**

The third amending Regulations to the principal Regulations implements 2001/39/EC (OJ No. L148, 1.6.01), 2001/48/EC (OJ No. L180, 3.7.01), 2001/57/EC (OJ. L208, 1.8.01). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

The MRL for chlorothalonil on bananas is amended to reflect Commission Directive 2001/35/EC (OJ No. L136, 18.5.01). The MRL for iprodione on spring onions is amended to reflect Commission Directive 98/82/EC (OJ No. L290, 29.10.98). The MRL for methamidophos on cottonseed is corrected to that set out in Council Directive 93/58/EEC (OJ No. L211, 23.8.93)

2002 No 1767 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2002**

The fourth amending Regulations to the principal Regulations implements Commission Directives 2002/5/EC (OJ No. L34, 5.2.02) and 2002/23/EC (OJ No. L64, 7.3.02). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

Other minor alterations implement changes of MRLs for Acephate on peaches, Chlorothalonil on celeriac, Cypermethrin on asparagus, Ethephon on pineapples, Fenbutin Oxide on peppers, Kresoxim-methyl and Metalaxyl on spring onion, scarole and herbs.

2002 No 2723

**THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) (No.2) REGULATIONS 2002**

The fifth amending Regulations to the principal Regulations implements Commission Directives 2002/42/EC (OJ No. L134, 22.5.02), 2002/66/EC (OJ No. L192, 20.7.02), 2002/71/EC (OJ No. L225, 22.8.02) and 2002/76/EC (OJ No. L240, 7.9.02). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

These regulations substitute a new regulation 6(b) in the principal Regulations. The new regulation 6(b)(i) provides for the Sampling Procedure as contained in the Annex to Commission Directive 2002/63/EC (OJ No. L187, 16.7.02) to apply for the determination of MRLs set by the EC.

The new regulation 6(b)(ii) provides for the sampling of pesticide residues set nationally to be carried out, so far as is practicable, in accordance with the methods and procedures recommended by the Codex Alimentarius Commission.

These Regulations also remove certain MRLs in the principal Regulations previously established by UK authorities under FEPA. EC MRLs have replaced these.

**2003 No 661 THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (ENGLAND AND WALES) (AMENDMENT) (No.2) REGULATIONS 2002**

The sixth amending Regulations to the principal Regulations implements Commission Directives 2002/79/EC (OJ L291, 28.10.02), 2002/97/EC (OJ No. L343, 18.12.02) and 2002/100/EC (OJ No. L2, 7.1.03). The Directives specify new MRLs and residue definitions for a number of pesticide active substances.

These Regulations also remove certain MRLs in the principal Regulation previously established by UK authorities under FEFA. EC MRLs have replaced these

**Note: Enquiries on pesticides legislation should be addressed to Pesticides Safety Directorate, Mallard House, Kings Pool, 3 Peasholme Green, York, YO1 7PX. (Telephone 01904- 455 751).**

## **N: SWEETENERS**

### SI Number

1995 No 3123 **THE SWEETENERS IN FOOD REGULATIONS 1995** - implement European Parliament and Council Directive 94/35/EC (OJ No. L237, 10.9.94) on sweeteners for use in foodstuffs and Commission Directive 95/31/EC (OJ No. L178, 28.7.95) laying down specific criteria concerning sweeteners for use in foodstuffs. They define "food additive" and "sweetener"; list the permitted sweeteners and, by cross-reference, the purity criteria with which they must comply; set down conditions of use for sweeteners in food; control the sale of sweeteners direct to the public (table top sweeteners) and specify additional labelling requirements for these products; and prohibit the sale and use of sweeteners and the sale of food containing sweeteners, which do not comply with these provisions.

The Regulations are amended by:

1996 No 1477 **THE SWEETENERS IN FOOD (AMENDMENT) REGULATIONS 1996;**

1997 No 814 **THE SWEETENERS IN FOOD (AMENDMENT) REGULATIONS 1997** - implement EC Directive 96/83/EC (OJ No. L48, 19.2.97) amending Directive 94/35/EC on sweeteners for use in foodstuffs. The Regulations extend the use of sweeteners to certain additional categories of food and add certain technical provisions to bring the 1995 Regulations into line with two other GB Regulations on Colours and Miscellaneous Additives. They also amend the title of the food category "vitamins and dietary preparations" to reflect more closely the needs of the market.

1999 No 982 **THE SWEETENERS IN FOOD (AMENDMENT) REGULATIONS 1999** - implement Directive 98/66/EC (OJ No. L257, 19.9.98). They bring up to date a reference to Directive 95/31/EC on specific purity criteria so as to cover its amendment by Directive 98/66/EC which changed the specification for isomalt. They also bring up to date references to the 1995 Regulations in other Regulations.

2001 No 2294 **THE SWEETENERS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2001** - amend a reference to Directive 95/31/EC so as to cover its amendment by Directive 2000/51/EC that changed the specification for mannitol (E421) and maltitol syrup (E965 (ii)). They also bring up to date references to the 1995 Regulations in other Regulations.

2002 No 379 **THE SWEETENERS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2002** - amend a reference to Directive 95/31/EC so as to cover its amendment by Directive 2001/52/EC that changed the specification

for mannitol (E421) and acesulfame K (E951). This corrects earlier purity criteria for mannitol in Directive 2000/51/EC that were found to contain an error and were therefore not implemented in the UK. These Regulations give a two-year temporary national authorisation to market the sweetener, sucralose, in England. They also bring up to date references to the 1995 Regulations in other Regulations.

2003 No. 1182

**THE SWEETENERS IN FOOD (AMENDMENT) (ENGLAND)**

**REGULATIONS 2003** These Regulations give a two-year temporary national authorisation to market the sweetener, salt of aspartame-acesulfame, in England. They also bring up to date references to the 1995 Regulations in other Regulations.

***Note: Enquiries regarding sweeteners should be addressed to the Food Standards Agency, Contaminants Division, Branch 4, Room 515c Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8581).***

**O: TIN**SI Number

1992 No 496

**THE TIN IN FOOD REGULATIONS 1992** - prohibit for sale or import any food containing a level of tin exceeding 200 milligrams per kilogram.

***Note: Enquiries regarding sections Tin should be addressed to the Food Standards Agency, Contaminants Division, Branch F, Room 707 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8730).***

**P: TRYPTOPHAN**SI Number

1990 No 1728

**THE TRYPTOPHAN IN FOOD REGULATIONS 1990** - prohibit the addition of tryptophan (an amino acid) to food intended for human consumption, and its consequent sale or supply.

The Regulations are amended by:

1990 No 2486

The Food Safety Act 1990 (Consequential Modifications) (England & Wales) Order 1990;

1991 No 1476

The Food Safety (Exports) Regulations 1991

2002 No 1817

The Food for Particular Nutritional Uses(Addition of Substances for Specific Nutritional Purposes) (England) Regulation 2002

***Note: Enquiries on tryptophan legislation should be addressed to the Food Standards Agency, Chemical Safety and Toxicology Division, Room 511C Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-726 8522).***



**Q: VETERINARY MEDICINES**

- 1997 No: 1729 **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1997**
- 1997 No: 2893 **THE CHARGES FOR INSPECTIONS AND CONTROLS REGULATIONS 1997**
- 1998 No: 2880 **THE CHARGES FOR INSPECTIONS AND CONTROLS (AMENDMENT) REGULATIONS 1998**
- 2001 No: 3590 **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) AMENDMENT REGULATIONS 2001**

**PART 5: EGGS & POULTRY****A: EGG PRODUCTS**SI Number

- 1993 No 1520 **THE EGG PRODUCTS REGULATIONS 1993** - implement Council Directive 89/437/EEC (OJ No. L212, 22.7.89, p.87) on hygiene and health problems affecting the production and placing on the market of egg products. The Regulations require that all egg products for human consumption be prepared in approved establishments, subject to certain exceptions. The Regulations make provisions for egg products to be heat treated, and lay down hygiene and health requirements for the production and placing on the market of egg products. The Regulations are amended by:
- 1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995 (in relation to potable water);
- 1996 No 1499 The Food Labelling Regulations 1996.
- 2000 No 656 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 - part V of Schedule 1 **Note: Enquiries on ungraded egg products legislation should be addressed to the Food Standards Agency, Microbiological Safety Division, Branch A, Room 816B Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8976/8973, fax (0)20 7276 8908).**

**B: UNGRADED EGGS**SI Number

- 1990 No 1323 **THE UNGRADED EGGS (HYGIENE) REGULATIONS, 1990** - prohibit the retail sale of cracked eggs by producers on their own

farms, in local public markets or by door to door selling. The regulations are amended by:

1990 No 2486 The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990.

**Note:** *Enquiries on ungraded egg products legislation should be addressed to the Food Standards Agency, Microbiological Safety Division, Branch A, Room 816BA Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8976/8973, fax (0)20 7276 8908).*

## C: EGGS (MARKETING STANDARDS)

### SI Number

1995 No 1544 **THE EGGS (MARKETING STANDARDS) REGULATIONS**  
**1995** - make provision, in Great Britain, for the enforcement and execution of specified regulations of the European Communities which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks. The Regulations also implement the public health conditions in relation to the sale of shell eggs and to the use of eggs in catering kitchens laid down in Council Decision 94/371/EC (OJ No. L168, 2.7.94, p.34). Similar provisions exist in Northern Ireland.

The Regulations are amended by:

1996 No 1725 The Eggs (Marketing Standards) (Amendment) Regulations 1996;

1997 No 1414 The Eggs (Marketing Standards) (Amendment) Regulations 1997;

1998 No 1665 The Eggs (Marketing Standards) (Amendment) Regulations 1998

2000 No 656 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulation 1999 – part V schedule 1

**Note:** *Enquiries on marketing standards for eggs legislation should be addressed to the Department of Environment Food and Rural Affairs, Milk, Pigs, Eggs & Poultry Division, Eggs and Poultry Branch, 5<sup>th</sup> Floor, Area E, 9 Milbank, c/o Nobel House, 17 Smith Square, London SW1P 3JR. ( Telephone (0)20- 7238 3112)*

## D: POULTRY MEAT (MARKETING STANDARDS)

### SI Number

1984 No 1145 **THE POULTRY MEAT (WATER CONTENT) REGULATIONS**  
**1984** - provide for the enforcement in England and Wales of Council Directive 2967/76/EEC (as amended) laying down common standards for the water content of frozen and deep frozen chickens, hens and cocks. These Regulations are now obsolete as Directive 2967/76 was repealed by directly applicable EEC Regulation 1538/91(OJ No. L 143, 7.6.91, p.11) (as amended) on certain marketing standards for poultrymeat. Regulation 1538/91 specifies standards relating to grading, condition of presentation, extraneous water content, weight classification and specific criteria which must

be met before certain claims about types of farming can be made (e.g. the type of feed used and the method of rearing, whether indoor (barn reared) or free range).

**Note:** Enquiries on poultry meat marketing standards legislation should be addressed to the *Department of Environment, Food and Rural Affairs, Milk, Pigs, Eggs & Poultry Division, Eggs and Poultry Branch, 5<sup>th</sup> Floor, Area E, 9 Milbank, c/o Nobel House, 17 Smith Square, London SW1P 3JR. ( Telephone (0)20- 7238 3112)*

## PART 6: OTHER LEGISLATION

### A: ALCOHOLIC LIQUOR DUTIES ACT 1979 - Section 71

Prescribes a penalty for misdescribing liquor as spirits or as wine fortified with spirits. In practice, therefore, this Section reinforces Section 15 of the Food Safety Act 1990 as far as these products are concerned.

**Note:** All enquiries concerning Customs and Excise legislation should be addressed to *HM Customs and Excise, New King's Beam House, 22 Upper Ground, London SE1 9PJ. (Telephone (0)20 7620-1311).*

### B: BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

*NB Not all the statutory instruments listed in this section make direct provisions for food safety, for example, some lay down requirements for animal feedingstuffs. However, they have been included in this list for the sake of completeness.*

#### SI Number

1988 No 2264	<b>THE ZOONOSIS ORDER 1988</b> , made under the Animal Health Act 1981, came into force on 22 December 1988. The Order designated BSE as a zoonosis, enabling powers under the Act to be used to reduce any risk to human health from BSE.
1994 No 2627 1981,	<b>THE SPONGIFORM ENCEPHALOPATHY (MISCELLANEOUS AMENDMENTS) ORDER 1994</b> , made under the Animal Health Act came into force on 2 November 1994. It implemented Commission Decision 94/381/EC and Commission Decision 94/474/EC. The Order extended the ban on use of SBO's in animal feed, banning the use of mammalian protein in ruminant feedingstuffs and making notifiable laboratory suspicion of spongiform encephalopathies in species other than cattle, sheep and goats.
1996 No 1193	<b>THE BOVINE ANIMALS (ENFORCEMENT OF COMMUNITY PURCHASE SCHEME) REGULATIONS 1996</b> , made under the European Communities Act 1972, came into force on 1 May 1996. They make provision for the enforcement of certain new requirements of Commission Regulation 716/96. The new legislation creates offences in respect of breaches of the provisions of these Regulations and specifies the penalties involved. They apply to approved operators of incinerators or rendering plants, approved under the Specified Bovine Material (No. 2) Order 1996 and to licensed operators of slaughterhouses licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995, whose premises are designated under the terms of Commission Regulation 716/96.*1996

No 2097 The Fresh Meat (Beef Controls) (No. 2) Regulations 1996, made under the Food Safety Act 1990, came into force on 1 September 1996. The Regulations prohibit the sale for human consumption of meat from any bovine animal slaughtered on or after 29 March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be proved by reference to documentary evidence that the animal was no more than two years and six months old. The Regulations provide an exemption from this prohibition for meat from certain third countries and meat from eligible cattle from herds registered under the Beef Assurance Scheme. The Regulations also set out the operating rules of the Beef Assurance Scheme.

1996 No 2522

**THE FRESH MEAT (BEEF CONTROLS) (NO 2) (AMENDMENT) REGULATIONS 1996**, made under the Food Safety Act 1990, came into force on 4 October 1996. The Regulations amend provisions on the Beef Assurance Scheme contained in the Fresh Meat (Beef Controls) (No 2) Regulations 1996. The Beef Assurance Scheme provisions on feed are amended to:

- i) allow herds which have used feed from any mills which have not used any mammalian meat and bonemeal on the premises in the previous four years to be eligible; and
- ii) allow herds which have not been fed feed which contains mammalian meat and bonemeal to continue membership of the Beef Assurance Scheme.

The Regulations also clarify that the feed requirements are concerned with mammalian meat and bonemeal.

The Regulations also provide an exemption from the rule that the herd shall have been established for at least four years, where new herds are established entirely from animals in herds already registered under the Scheme.

Conditions) Regulations 1996 implement certain of the requirements of Commission Regulation No. 1484/96 (OJ No. L188, 27.7.96) adopting the exceptional support measures for the beef market in the UK by application of Commission Decision 96/385 (OJ No. L151, 26.6.96).

\*1997 No 2959

**THE BEEF BONES REGULATIONS 1997** - made under the Food Safety Act 1990 came into force on 16 December 1997. The Regulations require all beef from animals aged over 6 months, whether home supplied or imported, to be deboned before it is sold to consumers; prohibit bone-in beef from such animals to be used to prepare food; prohibit bones removed from such animals in Great Britain from being sold for human consumption or to be used in the preparation of food; and require that such bones be disposed of in accordance with the Animal By-Products Order 1992. (see below for amendments to this Regulations)

\*1999 No 539

**THE SPECIFIED RISK MATERIAL (INSPECTION CHARGES) REGULATIONS 1999**, made under the Food Safety Act 1990, came into force on 29 March 1999. These Regulations enable the Minister to charge the occupiers of licensed slaughterhouses or cutting premises

at which SRM is removed for the costs incurred in undertaking the inspections and controls permitted by the Specified Risk Material Regulations 1997. They also amend the 1997 Regulations to allow the withdrawal of these inspections and controls for non-payment of the charge and to prohibit the sale for human consumption of a carcass which has not been so inspected. These regulations are not currently implemented as the Food Standards Agency is responsible for the cost of enforcing SRM controls until 31 March 2004.

- 1999 No 1103 **THE BOVINES AND BOVINE PRODUCTS (TRADE) REGULATIONS 1999** - implement in Great Britain the requirements of Council Decision 98/256/EC (OJ No. L13/32, 15.4.98), as amended by Commission Decisions 98/564/EC (OJ No. 273/37, 9.10.98) and 98/692/EC (OJ No. 328/28, 4.12.98), on emergency measures to protect against BSE. They prohibit the despatch from GB to third countries and Member States of bovine animals and embryos and meat and other products derived from bovine animals slaughtered in the UK. However, together with the equivalent Regulations in Northern Ireland, they provide for a derogation from this ban for - beef, beef products etc. from Northern Ireland produced in accordance with the Export Certified Herd Scheme rules and beef, beef products etc. from the UK produced in accordance with the Date Based Export Scheme rules. Furthermore, they make provision in respect of controls on products and by-products produced from UK and foreign origin bovines, and also prescribe controls governing the export of meat and other products derived from bovines slaughtered outside the UK.
- 1999 No 1154 **THE BOVINES AND BOVINE PRODUCTS (TRADE) (AMENDMENT) REGULATIONS 1999** make a minor amendment to Regulation 13(2) of the Bovines and Bovine Products (Trade) Regulations 1999.
- 1999 No 1663 **THE FEEDING STUFFS(SAMPLING AND ANALYSIS) REGULATIONS 1999** – came into force on 6 July 1999 – implement Council Decision 98/88/EC on the testing of animal feed samples
- 1999 No 3371 **THE BEEF BONES (AMENDMENT) (ENGLAND) REGULATIONS 1999** - amend Beef Bones Regulations 1997 insofar as they extend to England and Permit: the retail sale of beef bones and beef-in bone; the use of bone-in beef; beef bones and substances derived from beef bones in the production of food at catering and take-away premises; the sale at such premises of food produced there containing ingredients consisting of beef bones or containing ingredients derived from beef bones.

- 2000 No 656      **THE FOOD STANDARDS ACT 1999 (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS AND SAVINGS) (ENGLAND AND WALES) REGULATIONS 2000.**
- 2000 No 3378      **THE FRESH MEAT (BEEF CONTROLS) (NO2) (AMENDMENT) (ENGLAND) REGULATIONS 2000** - These Regulations amend the Fresh Meat (Beef Controls) (No. 2) Regulations 1996 (S.I. 1996/2097, as already amended) in so far as they extend to England. The 1996 Regulations extend to the whole of Great Britain.
- These Regulations provide for the enforcement of Article 2.1 of Commission Regulation (EC) No. 2777/2000 adopting exceptional support measures for the beef market (OJ No. L321, 19.12.2000, p. 47). That Article, which is applicable until 30th June 2001 at the latest, provides that meat from bovine animals aged more than 30 months and slaughtered in the Community after 1st January 2001 can only be released for human consumption or for export if tested negatively for bovine spongiform encephalopathy by an approved rapid test as referred to in Annex IV(A) of Commission Decision 98/272/EC (OJ No. L122, 24.4.98, p. 59, as amended). Annex IV(A) was inserted into that Decision by Commission Decision 2000/374/EC (OJ No. L135, 8.6.2000, p. 27).
- 2001      No 447      **THE RESTRICTION ON PITHING (ENGLAND) REGULATIONS 2001** – came into force on 1 April 2001. The Regulations prohibit the use of pithing in the slaughter of bovine, ovine or caprine for sale for human or animal consumption.
- 2001      No 2376      **THE PROCESSED ANIMAL PROTEIN (ENGLAND) REGULATIONS 2001** – came into force on 1 August 2001. Implemented EU-wide BSE-related feed control requirements on processed animal proteins in relation to animals which are kept, fattened or bred for the production of food, as set out in Decisions 2000/766, 2001/9 and 2001/165. [Revoked in part by the TSE (England) Regulations 2002]

2002 No 843

**THE TSE (ENGLAND) REGULATIONS 2002** – came into force on 19 April 2002. The Community TSE Regulation 999/2001 aimed to provide a secure legal basis for the full range of Community measures against Transmissible Spongiform Encephalopathies (TSEs). Many of its provisions were already in force under UK legislation, but for the sake of clarity and completeness, most relevant pieces of English legislation have been consolidated into this set of Regulations, adjusted where necessary to take account of EU requirements.

The Regulations make provision for the administration and enforcement of the directly applicable Regulation (EC) No. 999/2001 (OJ No L 147, 31.5.2001), which lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. They also continue the implementation of Council Decision 2000/766/EC (OJ No L 306, 7.12.2000) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein.

Commission Regulation (EC) No 999/2001 is amended by:

Commission Regulation (EC) No 1248/2001 - amends Annexes III, X and XI of Regulation (EC) No 999/2001 as regards epidemic-surveillance and testing of transmissible spongiform encephalopathies.

Commission Regulation (EC) No 1326/2001 – lays down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No 999/2001 and amends Annexes V11 and XI to that Regulation.

Commission Regulation (EC) No 270/2002 – amends Regulation EC No 999/2001 as regards specified material and epidemic-surveillance for TSEs and amends (EC) No 1326/2001 as regards animal feeding and the placing on the market of ovine and caprine animals and their products.

Commission Regulation (EC) No 1494/2002 – amends Annexes III, VII and XI of Regulation (EC) No 999/2001 as regards monitoring of BSE, eradication of TSEs, removal of specified risk materials and rules for importation of live animals and products of animal origin.

Commission Regulation (EC) No 260/2003 – amends Regulation (EC) No 999/2001 as regards the eradication of TSEs in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos.

Commission Regulation (EC) No 650/2003 – amends Regulation (EC) No 999/2001 as regards the import of live ovine and caprine animals.

Commission Regulation 1053/2003 – amends Regulation (EC) No 999/2001 as regards rapid tests.

Regulation (EC) No 1128/2003 – amends Regulation (EC) No 999/2001 as regards the extension of the period for transitional measures.

Commission Regulation (EC) No 1139/2003 – amends Regulation (EC) No 999/2001 as regards monitoring programmes and specified risk material.

2002	No 1253	<b>THE TSE (ENGLAND) (AMENDMENT) REGULATIONS 2002</b> – came into force on 27 May 2002. Corrected errors in the original Regulations.
2002	No 2860	<b>THE TSE (ENGLAND) (AMENDMENT) (NO2) REGULATIONS 2002</b> came into force on 11 December 2002. It provided enforcement powers in regard to detention and seizure of TSE susceptible animals suspected of having been fed mammalian meat and bone meal or mammalian protein (i.e. effectively stopping pet food containing animal protein being fed to TSE susceptible animals).
2003	No 1482	<b>THE ANIMAL BY-PRODUCTS REGULATIONS 2003</b> came into effect on 1 July 2003. They make provision for the administration and enforcement of Regulation (EC) No 1774/2002 (OJ No L273, 10.10.2002). The Regulations lay down the rules for the collection, storage, handling, processing and disposal of animal by-products; restrictions on their access and use; approved premises and competent authorities; marketing; derogations; record keeping; administration and enforcement. (The TSE related animal by-products references in this regulation were originally part of The TSE (England) Regulations 2002 (amended) but are now contained within this specific by-product regulation.)

## Revocations

The following Statutory Instruments have been revoked:

### SI Number

1991	No 2246	The Bovine Spongiform Encephalopathy Order 1991
1994	No 673	The Bovine Spongiform Encephalopathy Compensation Order 1994
1996	No 961	The Beef (Emergency Control) Order 1996
1996	No 962	The Bovine Spongiform Encephalopathy (Amendment) Order 1996
1996	No 1043	The Beef (Emergency Control) (Amendment) Order 1996
1996	No 1091	The Beef (Emergency Control) (Amendment) (No2) Order 1996
1996	No 1125	The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996
1996	No 1166	The Beef (Emergency Control) (Amendment) (No3) Order 1996
1996	No 1192	The Specified Bovine Material (No2) Order 1996
1996	No 1941	The Specified Bovine Material (No. 3) Order 1996



1996	No 2007	The Bovine Spongiform Encephalopathy Order 1996
1996	No 2264	The Heads of Sheep and Goats Order 1996
1996	No 2265	The Bovine Products (Despatch to other Member States) Regulations 1996
1996	No 2458	The Bovine Spongiform Encephalopathy (Amendment) Order 1996
1996	No 3185	The Specified Bovine Material (No. 3) (Amendment) Order 1996
1996	No 3268	The Specified Bovine Material (No. 3) (Amendment) (No2) Order 1996
1996	No 3000	The Bovine Products (Despatch to other Member States) (Amendment) Regulations 1996
1996	No 1351	The Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1996
1996	.No 3183	The Bovine Spongiform Encephalopathy (No.2) Order 1996
1996	.No 3184	The Bovine Spongiform Encephalopathy Compensation Order 1996
1996	No 3186	The Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996
1997	No 389	The Bovine Products (Production and Despatch) Regulations 1997
1997	No 617	The Specified Bovine Material Order 1997
1997	No 1905	The Bovine and Bovine Products (Despatch Prohibition and Production Restriction) Regulations 1997
1997	No 2365	The Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1997
1997	No 2387	The Bovine Spongiform Encephalopathy (Amendment) Order 1997
1997	No 2964	The Specified Risk Material Order 1997
1997	No 2965	The Specified Risk Material Regulations 1997
1997	No 3062	The Specified Risk Material (Amendment) Regulations 1997
1998	No 954	The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998
1998	No 1135	The Bovines and Bovine Products (Trade) Regulations 1998
1998	No 2405	The Specified Risk Material (Amendment) Regulations 1998
1998	No 3070	The BSE Offspring Slaughter Regulations 1998
1998	No 3071	The Bovine Spongiform Encephalopathy (No.2) (Amendment) Order 1998
1999	No 646	Animal By-Products Order 1999
1999	No 882	The BSE (Feeding Stuffs and Surveillance) Regulations 1999

1999	No 921	The BSE (No.2) Amendment Order 1999
2000	No 3234	Specified Risk Material (Amendment) (England) (No. 2) Order 2000.
2000	No 3377	The Specified Risk Material (Amendment) (England) (No.3) Order 2000
2000	No 3381	The Specified Risk Material (Amendment) (England) (No.2) Regulations 2000
2001	No 1704	The Animal By-Products (Amendment)(England) Order 2001
2001	No 2376	The Processed Animal Protein (England) Regulations 2001

***Note: Enquiries on BSE legislation not marked with \* should be addressed to the Department for Environment, Food and Rural Affairs, Area 3/07, 1A Page Street, London SW1P 4PQ. (Telephone (0)20- 7904-6294).***

***Enquiries on the Regulations marked with \* should be addressed to the Food Standards Agency, BSE Division, Room 311 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7-276 8333 (SRM) or (0)20-7276 8386 (Beef Bones)).***

## **C: ANIMAL FEEDINGSTUFFS**

### **THE AGRICULTURE ACT 1970 (as amended)**

This is the primary legislation governing control on animal feedingstuffs. Part IV of the Act, which regulates the preparation and sale of animal feedingstuffs, requires that they should be "sound, genuine and of merchantable quality" -- that is, fit for their intended purpose and free from harmful ingredients. Part IV of the Act also requires that sellers of feedingstuffs should provide purchasers with a "statutory statement" -- i.e., a label -- in the form and containing the information laid down in the regulations (which are made under secondary legislation, and subject to amendment); and provides for the control and enforcement of these rules by the relevant authorities.

The following sets of Regulations are made under Part IV of the Act

#### **2001 No 3389 THE FEEDING STUFF AND FEEDING STUFF (ENFORCEMENT) (AMENDMENT) (ENGLAND) REGULATIONS 2001**

These Regulations, which apply to England only, amend the Feeding Stuffs Regulations 2000 ("the principal Regulations") and implement - (a) Directive 2000/16/EC of the European Parliament and the Council amending Council Directive 79/393/EEC on the marketing of compound feedingstuffs and Council Directive 96/25/EC on the circulation of feed materials (OJ No. L105, 3.5.2000, p.36), and

(b) Commission Decision 2000/285/EEC amending Decision 91/516/EEC establishing a list of ingredients whose use is prohibited in compound feedingstuffs (OJ No. L94, 14.4.2000, p.43).

The Regulations also provide for the enforcement of the following new European Community Regulations –

(a) Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs (OJ No. L280, 4.11.2000, p.28),

(b) Commission Regulation (EC) No. 418/2001 concerning the authorisation of new additives and uses of additives in feedingstuffs (OJ No. L62, 2.3.2001, p.3), and

(c) Commission Regulation (EC) No. 937/2001 concerning the authorisation of new additive uses, new additive preparation, the prolongation of provisional authorisations and the 10 year authorisation of an additive in feedingstuffs (OJ No. L130, 12.5.2001, p.25).

The main changes to the principal Regulations are as follows:

(a) the controls on the sale and possession with a view to sale of compound feeding stuffs are extended to cover their supply other than by sale, and their possession with a view to such supply (regulations 7, 8, 14 and 19(a), (f), (g), (i), (j), and (k));

(b) prohibitions are added on the importation, supply, possession with a view to such supply and use of feed materials harmful to animals, to humans consuming products of such animals or to the environment. As regards the environment, the prohibition is applied also to sale and possession with a view to sale (regulation 9),

(c) the prohibition on the sale for use as a compound feeding stuff, or use as such a feeding stuff, of "sludge from sewage plants treating waste water", is replaced by one on the sale or use of "waste obtained from the treatment of waste water" (regulation 13);

(d) additional labelling requirements are prescribed for feed materials and compound feeding stuffs (regulation 19(c) and (e) respectively);

(e) the scope of certain provisions, previously applying only in relation to member States of the European Community, is extended to cover all States which are signatories to the Agreement on the European Economic Area (Regulations 6, 10, 12 and 20).

In addition, the Regulations make minor and consequential amendments to the principal Regulations and consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999.

2000 656

**THE FOOD STANDARDS ACT 1999 (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS AND SAVINGS) (ENGLAND AND WALES) REGULATIONS 2000** transferred, in Regulation 14, the power to make secondary legislation under Part IV of the Agriculture Act 1970 from the Secretary of State for Environment, Food and Rural Affairs to the Secretary of State for Health.

2000 2481

**THE FEEDING STUFFS REGULATIONS 2000** cover the composition, labelling and marketing of animal feedingstuffs and contain provisions relating to the additives, trace elements, and vitamins which they may contain, the maximum levels of certain contaminants, labelling information to be provided to purchasers, and the dietetic claims which may be made for certain products. The Regulations apply to England (Scotland, Wales and Northern Ireland have separate but parallel legislation) and implement the following main EC Directives:

2003

**THE FEEDINGSTUFF, THE FEEDINGSTUFF (SAMPLING ANALYSIS) AND THE FEEDINGSTUFF (ENFORCEMENT) (AMENDMENT) (ENGLAND) (NO2) REGULATIONS 2003**

**1** These Regulations, which apply in relation to England only, further amend the Feeding Stuffs Regulations 2000 (SI 2000/2481, as already amended). The Feeding Stuffs Regulations 2000 largely apply in relation to England only.

**2.** These Regulations implement Commission Directive 2003/7/EC amending the conditions for authorisation of canthaxanthin in feedingstuffs in accordance with Council Directive 70/524/EEC (OJ No. L22, 25.1.2003, p. 28), by modifying the controls in the Feeding Stuffs Regulations 2000 regulating the presence of additives in feedingstuffs by specifying new maximum levels in feed for the colourant canthaxanthin (*regulation 2(2) and the Schedule*).

**3.** They also provide for the enforcement of Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs (OJ No. L125, 21.5.2003, p.3) and Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator "Benzoic acid" in feedingstuffs (OJ No. L126, 22.5.2003, p.24) (*regulation 2(3)*).

**4.** These Regulations also make consequential amendments to regulations 7(1) and 25(1) of the Feeding Stuffs Regulations 2000 (*regulation 3*) and consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (*regulations 4 to 11*).

2004 1301

**THE FEEDING STUFFS, THE FEEDING STUFFS (SAMPLING AND ANALYSIS) AND THE FEEDING STUFFS (ENFORCEMENT) (AMENDMENT) (ENGLAND) REGULATIONS 2004** – These regulations implement Directives 2003/57/EC and 2003/104/EC. They further amend the Feeding Stuffs Regulations 2000 (S.I. 2000/2481, as already amended). The Feeding Stuffs Regulations 2000 largely apply in relation to England only.

Council Directive 70/524/EEC (OJ No L270, 14.12.70) concerning additives in feeding stuffs;

Council Directive 79/373/EEC (OJ No L86, 6.4.79) on the marketing of compound feedingstuffs;

Council Directive 80/511/EEC (OJ No L125, 21.5.80) authorising, in certain cases, the marketing of compound feedingstuffs in unsealed packages and containers;

Council Directive 82/471/EEC (OJ No L213, 21.7.82) concerning certain products used in animal nutrition;

Commission Decision 91/516/EEC (OJ No L281, 9.10.91) concerning prohibited ingredients in animal nutrition;

Council Directive 93/74/EEC (OJ No L237, 22.9.93) on feedingstuffs intended for particular nutritional purposes;

Council Directive 96/25/EC (OJ No L125, 23.5.96) on the circulation of feed materials;

Council Directive 1999/29/EC (OJ No L115, 4.5.1999) on undesirable products and substances in animal nutrition;

Commission Directive 1999/79/EC (OJ No L209, 7.8.1999) concerning Community methods of analysis for the official control of feedingstuffs.

2000 1663

**THE FEEDING STUFFS (SAMPLING AND ANALYSIS)**

**REGULATIONS 1999** set out methods for sampling and analysing certain additives and feed constituents, such as protein, fibre and ash, for the enforcement of labelling provisions, and also methods of sampling and analysing certain undesirable substances. The Regulations apply to Great Britain (Northern Ireland has separate but parallel legislation) and implement the following EC Directives:

Council Directive 70/373/EEC (OJ No Lxx, 20.7.70) establishing Community methods of sampling and analysis for the official control of feedingstuffs.

New methods and amendments to existing methods are introduced by Commission amending Directives. The most recent of these are:

Commission Directive 93/28/EEC (OJ No L179, 22.7.93);

Commission Directive 94/14/EEC (OJ No L94, 13.4.94);

Commission Directive 98/88/EC (OJ No L138, 27.11.98).

1999 1872

**THE FEEDING STUFFS (ESTABLISHMENTS AND INTERMEDIARIES) REGULATIONS 1999**

lay down the conditions and arrangements for approving and registering a broad range of establishments and intermediaries operating in the animal feed sector, including the manufacturers of certain additives, premixtures and compound feeds which incorporate them, certain agricultural merchants, farmers who mix their own feed, and establishments incorporating materials with undesirable substances above specified levels. The approval and registration scheme extends to products from establishments in third countries exporting to the EU, to ensure that imported additives, premixtures and feedingstuffs meet the same quality control standards. The Regulations, which apply on a UK-wide basis, implement the following EC Directives:

Council Directive 95/53/EC (OJ No L265, 8.11.95) fixing the principles governing the organisation of official inspections;

Council Directive 95/69/EC (OJ No L332, 30.12.95) laying down the conditions and arrangements for approving and registering certain establishments and intermediaries;

Article 1.10 of Council Directive 96/51/EC (OJ No L235, 17.9.96);

Articles 6, 8 and 9 of Commission Directive 98/51/EC (OJ No L208, 24.7.98) laying down certain measures for implementing Directive 95/69.

1999 2325

**THE FEEDING STUFFS (ENFORCEMENT) REGULATIONS 1999**

strengthen the existing enforcement provisions of Part IV of the Agriculture Act 1970, giving authorities greater access to products and records and increased powers of inspection, seizure and sampling. The Regulations, which apply on a UK-wide basis, also implement the following EC Directives intended to ensure even enforcement of feed legislation in Member States:

Council Directive 95/53/EC (OJ No L265, 8.11.95) fixing the principles governing the organisation of official inspections (insofar as this is not already implemented elsewhere);

Council Directive 98/68/EC (OJ No L261, 24.9.98) laying down the standard document referred to in Directive 95/53 and rules for checks on imports from third countries.

### **THE FEEDING STUFFS (ENFORCEMENT) (AMENDMENT) REGULATIONS 2003**

These Regulations amend the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325) in the United Kingdom.

They implement in relation to all feeding stuffs the reporting requirement imposed by the penultimate paragraph of Article 1.7 of Directive 2001/46/EC of the European Parliament and of the Council of 23rd July 2001 (amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition, and Directives 70/524/EEC, 96/25/EC and 1999/29/EC on animal nutrition). This paragraph forms the third paragraph of Article 16a of the amended Council Directive 95/53/EC and requires those charged with the duty of monitoring farms in relation to residues under Council Directive 96/23/EC (OJ No. L125, 23.5.96, p. 10), and others in charge of laboratories carrying out analyses, to report any breaches of legal requirements relating to feeding stuffs if they obtain evidence of such breaches in the course of performing their duties.

Other legislation relevant to animal feedingstuffs is:

1998 1046 **THE MEDICATED FEEDINGSTUFFS REGULATIONS 1998** which are the responsibility of the Veterinary Medicines Directorate, implement the following EC legislation:

Council Directive 90/167/EEC on the control of the manufacture, distribution and use of medicated feedingstuffs (i.e., feedingstuffs which contain veterinary medicines).

1999 1871 **THE FEEDING STUFFS (ZOOTECNICAL PRODUCTS) REGULATIONS 1999** which are also the responsibility of the Veterinary Medicines Directorate, implement the following EC legislation:

Council Directive 70/524/EEC (OJ No L270, 14.12.70) concerning additives in feeding stuffs (insofar as they relate to zootechnical additives -- defined as antibiotics growth promoters and coccidiostats.

Council Directive 84/587/EEC (OJ No L319/13 8.12.84) amending Directive 70/524/EEC concerning additives in feedingstuffs.



Council Directive 96/51/EC (OJ No L235, 17.9.96) amending Directive 70/524 insofar as it relates to zootechnical additives

1999 646

**THE ANIMAL BY-PRODUCTS ORDER 1999** specifies the methods to be used for processing and disposing of animal waste, which includes fishmeal, sets processing standards for catering waste intended for feeding to pigs and poultry, and requires rendered material to be used for feed to be tested for a number of pathogens. This Order, which is the responsibility of Department of Environment, Food and Rural Affairs, implements the following EC legislation:

Council Directive 90/667/EEC (OJ No L363, 27.12.90) laying down veterinary rules for disposing and processing animal waste, placing it on the market, and preventing pathogens in feedingstuffs of animal or fish origin.

2002 697

**THE MEDICATED FEEDINGSTUFFS (AMENDMENT) (ENGLAND, SCOTLAND AND WALES) REGULATION 2002 -** These Regulations amend the Medicated Feedingstuffs Regulations 1998 in so far as they extend to England, Scotland and Wales. The 1998 Regulations as amended continue to implement Council Directive 90/167/EEC (OJ No. L92, 7.4.90, p.42) laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community.

They provide (at regulation 2 and the Schedule) for new fees for application for approval or renewal of -

- premises manufacturing authorised intermediate products;
- premises which manufacture medicated feedingstuffs incorporating medicated pre-mixes; and
- distributors of medicated feedingstuffs.

The existing fee structure is changed and simplified. Previously, different fees were payable on an initial application for an approval, an application on renewal of an approval, and an application for an approval made outside the time limits in the Regulations. The new system specifies one fee for each of these applications. The previous fees are shown in the Schedule for comparison purposes.

Regulations 6 and 13 of the 1998 Regulations (which provide for late renewals) and references to them are revoked (regulation 2).

## Revocation

The following Statutory Instruments have been revoked:

1995	1412	The Feeding Stuffs Regulations 1995
1996	1260	The Feeding Stuffs (Amendment) Regulations 1996
1998	104	The Feeding Stuffs (Amendment) Regulations 1998
1998	2072	The Feeding Stuffs (Amendment) (No 2) Regulations 1998
2000	588	The Animal Feedingstuffs from Belgium (Control) (England and Wales) Regulations 2000
1982	1144	The Feeding Stuffs (Sampling and Analysis) Regulations 1982
1984	52	The Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1984
1985	1119	The Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1985
1994	1610	The Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1994
1998	1049	The Feeding Stuffs (Establishments and Intermediaries) Regulations 1998

***Note: Enquiries on feedingstuffs standards legislation should be addressed to the Food Standards Agency, Animal Feed Division, Room 415 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8466).***

## D: THIRD COUNTRY IMPORTS

### (i) PRODUCTS OF ANIMAL ORIGIN: IMPORT AND EXPORT

#### SI Number

1996 No 3124

**THE PRODUCTS OF ANIMAL ORIGIN (IMPORT AND EXPORT) REGULATIONS 1996** - implement Council Directives: 89/662/EEC of 30 December 1989 (OJ No. L395) as amended concerning veterinary checks in intra-Community trade with a view to the completion of the internal market;

92/118/EEC of 15 March 1993 (OJ No. L62) as amended laying down animal and public and public requirements governing trade in and importing into the Community of products not covered by other vertical health Directives.

97/78/EC of 18 December 1997 (OJ No.L24) as amended laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries

These Regulations give effect to the Community's checking regime for assuring that intra-Community trade in and imports from third countries of products of animal origin comply with harmonised EC or, in their absence national, animal and public health rules. The Regulations also make provision for the Secretary of State for the Department of Environment, Food and Rural Affairs or the local authority to recover the cost of veterinary checks on import of animal origin from third countries. They also give force to the vertical health rules applying to intra-Community trade in, and imports from third countries, of so called "Balai" products.

2002 No 1227

**THE PRODUCT OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (ENGLAND) REGULATIONS 2002** - These Regulations implement for England Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ No. L24, 30.1.98, p.9). The Directive applies to products of animal origin - meat, fish (including shellfish), milk and products made from these, together with egg products and a large number of animal by-products, including casings, skins, bones and blood. When read with Annex I to the Agreement on the European Economic Area (OJ No. L1, 3.1.94, p.3, as amended) the Directive requires that products of animal origin which enter the European Economic Area must undergo specified veterinary checks at border inspection posts to ensure that they comply with requirements laid down by Community legislation for the protection of animal and public health.

The products to which the Regulations apply are defined in regulation 2(1) and Schedule 3 and the requirements with which they must comply are listed, by reference to the relevant Community legislation, in Schedule 2. Small quantities of products intended for personal use, and trade samples and products intended for exhibition or study or analysis are exempt from all but a few of the Regulations (regulation 3).

Regulation 4 defines the authorities who will enforce the Regulations. Usually these will be port health authorities, who must appoint official veterinary surgeons and official fish inspectors to conduct veterinary checks at each border inspection post in their area (regulation 6). Regulations 7, 8 and 9 confer the necessary enforcement powers.

Part III establishes the inspection system which will apply to the generality of products. The introduction into England of products which do not comply with the Schedule 2 requirements is prohibited, unless they are being transported across England (regulation 15). Products must be introduced at border inspection posts, advance notice of their introduction must be given, and they must be made available for inspection, together with required documentation, at a border inspection post (regulations 16 to 19). Regulations 21 to 28 deal with products which are rejected at inspection, are introduced illegally, or present a risk to animal or public health.

Parts IV to VIII lay down special provisions which apply to particular categories of product (on-board catering supplies, products intended for free circulation in the Community, products in transit across England, products intended for warehousing under particular customs regimes, and products exported from the Community and then returned to it).

Part IX deals with the calculation and payment of charges for the veterinary checks provided for in the Regulations; Part X confers on the Secretary of State and the Food Standards Agency power to prohibit the introduction of products into England from non-EEA countries in which there is an outbreak of animal disease; Part XI establishes offences and penalties; and Part XII deals with the form and service of notices and with notification of decisions.

The provisions of the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as amended) which apply to products imported from third countries are disapplied in relation to England (regulation 63(2)).

## (ii) IMPORTED FOOD

### SI Number

1984 No 1918

**THE IMPORTED FOOD REGULATIONS 1984** - whilst these have largely been replaced by the Imported Food Regulations 1997 (SI 1997/2537 - see below), a number of measures for the protection of public health in relation to imports of food do continue. These provisions include ones which relate to public health certification and health marking requirements for fresh meat (including poultry and game meat) and meat products.

1997 No 2537

**THE IMPORTED FOOD REGULATIONS 1997** - contain measures for the protection of public health in relation to food products of non-animal origin entering the Community from third countries, that is, products from third countries which are not subject to veterinary checks under the Products of Animal Origin (Import and Export) Regulations 1996. They largely consolidate and replace provisions of the Imported Food Regulations 1984 taking into account the Food

Safety Act 1990 and Single Market legislation. These Regulations cover England, Wales and Scotland; there are parallel Regulations in Northern Ireland

2003 NO 2821

**THE ORGANIC PRODUCTS (IMPORTS FROM THIRD COUNTRIES REGULATIONS) 2003**

These Regulations, which apply to the United Kingdom, provide for the implementation of Commission Regulation (EC) No 1788/2001 ("the Commission Regulation") in relation to imports of consignments of organic products from third countries under Article 11 of Council Regulation (EEC) No 2092/91 ("the Council Regulation").

The Regulations -

- specify that they are to be enforced by the relevant local authority (a Port Health Authority, port or joint port local authority or district or other council) at the place of import (*regulation 3*);
- require a person seeking the release of the consignment into free circulation in the Community to give advance notice of its arrival (*regulation 4*);
- enable an authorised officer to prohibit the movement of a consignment (defined as a "controlled consignment") if he has reason to believe that there has been a failure to comply with the Council Regulation or the Commission Regulation (*regulation 5*);
- enable the authorised officer to consent to the movement of a controlled consignment provided certain conditions are satisfied (*regulation 6*);
- requires the importer to give an authorised officer such assistance as he may reasonably require (*regulation 7*);
- require the local authority to charge for verifying the consignment, or for prohibiting the movement of the consignment (*regulation 8*);
- specify offences for contravention of the Council Regulation and Commission Regulation, of regulations 4 and 7 and for the unauthorised movement of a controlled consignment (*regulations 9 and 10*);
- provide protection for authorised officers acting in good faith (*regulation 11*).

1990	No 2371	The Channel Tunnel (Amendment of Agriculture, Fisheries and Food Import Legislation Order 1990
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1996	No 3124	The Products of Animal Origin (Import and Export) Regulations 1996;

- 1996 No 3125 The Fresh Meat (Import Conditions) Regulations 1996 - implements the following main Directives:
- Council Directive 72/461/EEC of 31 December 1972 (OJ No. L302) as amended on health problems affecting intra-Community trade in fresh meat as amended;
- 1999 No 3125 The Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999 - implement Council Directive 96/90/EC, which amends Directive 92/118/EEC. They lay down animal and public health conditions for imports from EU Member States of apiculture products for use in apiculture, frogs legs, honey and snails.

**Note: Enquiries about the import of:**

**- products of animal origin should be addressed to the Department of Environment, Food and Rural Affairs, International Animal Health Division, Room 406, 1A Page Street, London SW1P 4PQ (Telephone (0)20-7904-6506); and**

**- fishery products and shellfish for human consumption should be addressed to the Food Standards Agency, Microbiological Safety Division, Branch F, Room 816C Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8956).**

**- food which is not of animal origin entering the Community from third countries, or about the Imported Food Regulations 1997, should be addressed to the Food Standards Agency, Imported Food Branch, Imported Foods Division, , Room 115B Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8457 or fax (0)20-7276 8457).**

**Enquiries on organic food legislation (imports from third countries) and amendments to the EC Regulation should be addressed to the Department of Environment, Food and Rural Affairs, Organic Farming and Industrial Crops Division, Organic Farming Unit , Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone (0)20-7238-5777).**

## **E: SALMONELLA AND OTHER PATHOGENS IN POULTRY**

### **SI Number**

- 1993 No 1898 **THE POULTRY BREEDING FLOCKS AND HATCHERIES ORDER 1993** - this Order requires the registration of poultry breeding flocks of 250 birds or more and hatcheries with incubator capacity of 1000 eggs or more. Samples must be taken from those premises and tested for salmonella at a laboratory authorised by MAFF. These Regulations implement in part EC Directive 92/117/EEC on Zoonoses (OJ No. L62/38, 15.3.93).

- 1989 No 285      **THE ZONOSSES ORDER 1989** - this Order designates organisms of the genus salmonella and the genus brucella as zoonoses, enabling powers (including powers relating to the slaughter of poultry) under the Animal Health Act 1981 to be used to reduce any risk to human health of these organisms.
- 1999 No 646      **THE ANIMAL BY-PRODUCTS ORDER 1999** - Part II of this Order requires the testing for salmonella and *Enterobacteriaceae* of rendered animal protein (and in the case of animal protein derived from high risk animal by-products, also for *Clostridium perfringens*) intended for incorporation into feedingstuffs for livestock. Part II of the Order also requires premises which render animal by-products and laboratories which test samples to be authorised by the Department of Environment, Food and Rural Affairs.
- 2001 No1704      **THE ANIMAL BY-PRODUCTS (AMENDMENT) (ENGLAND) ORDER 2001** - This Order amends the Animal By-Products Order 1999 (S.I. 1999/646, the "principal Order"), so far as it is applicable to England, so as to prohibit the feeding to livestock of certain categories of catering waste whether that waste has been processed or unprocessed. It also removes the possibility of non-mammalian animal by-products being rendered for the production of swill for feeding to pigs or poultry.

***Note: Enquiries on salmonella in poultry legislation should be addressed to the Department of Food, Regions and Rural Affairs (Disease Control) Bovine TB and Zoonoses), Second Floor ,1A Page Street, London SW1P 4PQ. (Telephone (0)20-7904 6143)***

## **PART 7: OTHER PRIMARY LEGISLATION PROVIDING REGULATIONS AFFECTING FOOD**

### **A: EUROPEAN COMMUNITIES ACT, 1972**

Section 2(2) of the European Communities Act makes provision for any designated Minister or department to make regulations for the purpose of implementing any European Community obligations of the United Kingdom.

The following Regulations have been made under this Act:

#### SI Number

- 2001 No 3590      **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUE AND MAXIMUM RESIDUE LIMITS) (AMENDMENT) REGULATIONS 2001** - These Regulations amend the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 by -

(a) updating the reference to Council Regulation (EEC) No. 2377/90 so as to cover its amending instruments (Regulation 2(a) and (d);

(b) defining "the Ministers" for the purpose of the definition of "enforcement authority"; the definition of "the Ministers" was formerly contained in section 4 of the Food Safety Act 1990 (c. 16) which section was repealed by the Foods Standards Act 1999 (c. 28) and not saved by regulations under section 42 of that Act; (Regulation 2(c)); and

(c) making a minor corrective amendment with regard to the regulations specified in the definition of "enforcement authority" (Regulation 2(b)).

1997 No 1729

### **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS REGULATIONS**

**1997** - these Regulations came into force on 11 August and implement two EC Directives. Council Directive 96/22/EC continues the existing ban on the use of hormonal growth promoters in food producing animals within the EC and extends it to beta-agonists under certain circumstances. Council Directive 96/23/EC harmonises, improves and extends the present controls on the surveillance of veterinary medicinal residues in meat.

In implementing these requirements, the Regulations revoke and re-enact provisions formerly contained in the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991, the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982, the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988 and the Animals and Fresh Meat (Hormonal Substances) Regulations 1988.

The Regulations:

- prohibit the sale, possession or administration to animals of specified unauthorised substances;
- prohibit the possession, slaughter or processing of the meat of animals intended for human consumption which contain, or which have been administered with, specified unauthorised substances;
- prohibit the sale or supply for slaughter of animals if the appropriate withdrawal period has not expired and prohibit the supply for slaughter or subject to exceptions, the sale of animals or the sale of animal products which contain unauthorised substances or an excess of authorised substances;
- prohibit, subject to exception, the disposal for human or animal consumption of slaughtered animals containing specified unauthorised substances;
- empower authorised officers to inspect and examine animals and to take samples and provide for the analysis of official samples;
- provide for offences and penalties and for enforcement by each enforcement authority;
- specify requirements relating to record keeping.



1997 No 2893 **THE CHARGES FOR INSPECTIONS AND CONTROLS REGULATIONS**

**1997** - these Regulations came into force on 1 January 1998 and give effect to Article 2 of Council Directive 85/73/EC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC. The text of Council Directive 85/73/EEC is set out in the Annex to Council Directive 96/43/EC.

In implementing these requirements, the Regulations revoke those provisions of the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995 (S.I. 1995/361, as amended) which relate to the subject-matter of these Regulations (regulation 6).

The Regulations:

- lay down the provisions requiring the fees to be paid to cover the costs of residues surveillance under 96/23/EC
- lay down the provisions relating to the liability for and recovery of those fees
- enable the appropriate Minister to require information and supporting evidence to be supplied to him for the purpose of enabling the Minister to calculate those fees and create offences of supplying false information or misleading information and failing to comply with a demand to supply information.

1998 No 2880 **THE CHARGES FOR INSPECTIONS AND CONTROLS REGULATIONS 1998 - these**

**(AMENDMENT)**  
Regulations, which came into force on 22  
amend the Charges for Inspections and Controls  
Regulations 1997.

December 1998,

The 1997 Regulations provided that the charge for inspection of milk residues covered by regulation 3(1) would, in accordance with arrangements for collection thereof by the Milk Development Council, be payable by producers of milk. These Regulations replace those arrangements for collection of the charge by providing that, where it relates to raw milk, it is to be paid to the Minister by the operator of the raw milk collection establishment as provided for in Council Directive 85/73/EEC (or, if there is no such establishment, its producer). They also provide for an automatic right of recovery which can be used by the collection establishment against the producer.

These Regulations also amend the Dairy Produce Quotas Regulations 1997 to provide that the Minister may, for the purposes of charge collection, be given access to relevant information held by the Intervention Board for Agricultural Produce.

2001 No 3590 **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM LIMITS) AMENDMENT REGULATIONS**

**2001**-These Regulations came into force on 30 November 2001 and amend The Animals and animal products (Examination for residues and Maximum Residue Limits) Regulations 1997. The Regulations update the reference to council Regulation (EEC) 2377/90 to cover its amending instruments (Regulation (a) and (d) ; define "the Ministers" for the purpose of the definition of "enforcement authority" ; the definition of "the Ministers" was formerly contained in the Food Safety Act 1990 (c.16) which section was repealed by the Food Standards Act 1999 (c.28) and not saved by

regulations under section 42 of that Act; (Regulation 2 (c) ) ; make a minor corrective amendment to the definition of “enforcement authority” (Regulation 2 (b) ).

***Note: Enquiries on the legislation listed in Part 7A should be addressed to the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS, (Telephone 01932-336911, Ext. 8327).***

## **B: AGRICULTURE AND HORTICULTURE ACT 1964 (CHAPTER 28 PART III)**

Provides for the application and enforcement in Great Britain of European Community Regulations specifying the grading, marketing and labelling requirements for certain fresh fruit and vegetables and makes certain acts or omissions that contravene those rules punishable offences. Similar legislation applies in Northern Ireland. The Act is amended by:

The Trade Description Act, 1968 - CHAPTER 29, and:

### SI Number

1973 No 22	The Grading of Horticultural Produce (Amendment) Regulations 1973;
1983 No 1053	The Grading of Horticultural Produce (Amendment) Regulations 1983;
1986 Chapter 20	Horticultural Produce Act 1986 which extends the powers of the Horticultural Marketing Inspectorate (Marketing Officers in Scotland), who enforce the Regulations, to the control of the movement of produce.
2003 No 1846	The Horticultural Produce (Community Grading Rules) (England and Wales) regulations 2003

***Note: Enquiries on the legislation listed in Part 7B should be addressed to the Department of Environment, Food and Rural Affairs, Horticulture and Potatoes Division, Eastbury House, 30-34 Albert Embankment, London SE1 7TL. (Telephone(0)20-7238-1050).***

## **PART 8: FOOD CONTROL**

### **A: OFFICIAL CONTROL OF FOODSTUFFS**

The Official Control of Foodstuffs Directive (89/397/EEC) was a key framework directive for the harmonisation of aspects of food law between EC member states. Adopted in 1989, it aimed to help establish the Single Market in Europe by achieving a consistent approach in the level of food law enforcement between EC member states in the run up to establishing the intended Single Market in 1992. The Directive did this by laying down the general principles to be followed by the national enforcement authorities of each EC member state. It established the main principles that:

- food should be inspected regularly at the point of production to avoid the need for border controls between member states;

- inspection procedures should be harmonised between member states;
- there should be mutual recognition of standards within the European Community; and
- details of member states' food law enforcement programmes should be submitted annually to the European Commission.

This Directive was implemented in GB through the Food Safety Act 1990. and through statutory Codes of Practice that guide GB enforcement authorities and which are made under that Act. Parallel legislation operates in Northern Ireland

## B: ADDITIONAL FOOD CONTROL MEASURES

The Official Control of Foodstuffs Directive was supplemented in October 1993 by the adoption of the Additional Food Control Measures Directive (93/99/EEC). This Directive continued the theme of harmonising food law enforcement between member states by:

- requiring that all member states have, or have access to, a sufficient number of qualified and experienced food control officials;
- setting standards for food control laboratories, and criteria for validating methods of analysis;
- establishing a small Commission Food Inspectorate;
- improving the exchange of information between member states and between the European Commission and member states.

***Note: Enquiries relating to the legislation listed in Parts 8A & B should be addressed to the Food Standards Agency, Local Authority Enforcement Division, Monitoring and Development Branch, Room 411C Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8419).***

## C: FOOD CONTROL OF IRRADIATION

### SI Number

1990 No 2490

#### **THE FOOD (CONTROL OF IRRADIATION) REGULATIONS**

**1990** - introduce a strict system of licensing for food irradiation plants, with restrictions on food which can be irradiated and the dose permitted. The regulations also include provisions for regular inspections and requirements for irradiated food, when stored or transported, to be accompanied by documentation stating that it has been irradiated thus enabling batches to be traced.

1996 No 1499

**THE FOOD LABELLING REGULATIONS 1996** – require that all irradiated foods or listed ingredients of foods with the words "irradiated" or, "treated with ionising radiation". This includes requiring caterers to indicate on a menu, notice, ticket or label where irradiated ingredients are used.

Certain exemptions to these requirements for irradiated 'compound ingredients', i.e. if a food used as an ingredient is itself composed of two or more materials, were removed by the Food Irradiation Provisions (England) Regulations 2000. These also removed the

option for caterers to use the words 'may contain'.

2000 No 2254

### **THE FOOD IRRADIATION PROVISIONS (ENGLAND)**

**REGULATIONS 2000** – implement in England two EC Directives on food irradiation, which harmonise food irradiation controls throughout the EU, through amendments to the Food (Control of Irradiation) Regulations 1990 and the Food Labelling Regulations 1996. Similar regulations exist in Scotland, Wales and Northern Ireland.

Directive 1999/2/EC – lays down the general provisions such as the conditions for treatment, the rules governing the approval and control of irradiation and changes the rules on the labelling of foodstuffs that have been treated with ionising radiation.

Directive 1999/3/EC – establishes an initial positive list of foodstuffs that can be treated with ionising radiation in accordance with Directive 1999/2/EC and freely traded within the European Community. At present this list only contains the item 'dried aromatic herbs, spices and vegetable seasoning'. There are transitional provisions in Directive 1999/2/EC pending completion of this list.

***Note: Enquiries relating to the legislation controlling Food Irradiation should be addressed to the Food Standards Agency, Novel Foods Division, Room 515, address as above. (Telephone (0)20 7276 8595).***

## **PART 9: FOOD PROTECTION IN AN EMERGENCY**

### **A: THE FOOD AND ENVIRONMENT PROTECTION ACT 1985**

Part I of the Act empowers Ministers to make emergency orders where they consider that circumstances exist, or may exist, which are likely to create a hazard to human health through the consumption of contaminated food. Such orders prohibit the distribution of affected produce from an area where foodstuffs have, or may have, been contaminated. In practice these powers are used only where there are no other statutory means of dealing with contaminated food (e.g. sector-specific legislation under the Food Safety Act 1990).

Part I of the Food and Environment Protection Act was amended by Section 51 of the Food Safety Act 1990. The Act also applies in Scotland and Northern Ireland.

#### SI Number

2002 No 2338

### **THE FOOD (ANISE FROM THIRD COUNTRIES) (EMERGENCY CONTROL) (ENGLAND) REVOCATION ORDER 2003 –**

This Order revokes the Food (Star Anise from Third Countries) (Emergency Control) (England) Order 2002 (S.I. 2002/334), which prohibited the import of Star Anise and Japanese Star Anise into England unless certain conditions were complied with. The Food (Star

Anise from Third Countries) (Emergency Control) (England) Order 2002 implemented Commission Decision 2002/75/EC laying down special conditions on the import from third countries of Star Anise (OJ No. L33, 2.2.2002, p. 31). That Decision was repealed by Commission Decision 2003/602/EC (OJ No. L204, 13.8.2003, p. 60).

2003 1940

**THE FOOD (HOT CHILLI AND HOT CHILLI PRODUCTS) (EMERGENCY CONTROL) (ENGLAND) REGULATIONS 2003**

These Regulations, which apply in relation to England only, implement Commission Decision 2003/460/EC on emergency measures regarding hot chilli and hot chilli products (OJ No. L154, 21.6.2003, p.114) as corrected by a corrigendum published on 25th July 2003 (OJ No. L186, 25.7.2003, p.47).

The Regulations -

(a) prohibit the importation of "controlled hot chilli and hot chilli products" (defined in regulation 2(1)), except where they are accompanied by an analytical report demonstrating that the product does not contain Sudan red 1 (CAS No. 842 - 07 - 9) (*regulation 3*);

(b) provide for their enforcement (*regulation 4*);

(c) apply with modifications certain provisions of the Food Safety Act for the purposes of the Regulations and provide for sampling and analysis (*regulation 5*); and

(d) provide for the destruction of illegal imports of controlled hot chilli and hot chilli products (*regulation 6*).

The CN codes referred to in the definition of "hot chilli and hot chilli products" are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (OJ No. L256, 7.9.87, p.1).

2003 No 1957

**THE FOOD (FIGS, HAZELNUTS AND PISTACHIOS FROM TURKEY) (EMERGENCY CONTROL) (ENGLAND) (No. 2) (AMENDMENT) REGULATION 2003**

– makes provisions for the implementation of European Commission Decision 2002/80/EC (OJ No. L34, 5.2.02, p.26) as amended by Commission Decision 2002/233/EC (OJ No. L78, 31.3.02, p.14), Commission Decision 2002/679/EC (OJ No. L229, 27.8.02, p.37) and Commission Decision 2003/552/EC (OJ No. L187, 26.7.03, p.47) imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating or consigned from Turkey. Further details are available from the contact address below.

2003 No 1722

**THE FOOD (BRAZIL NUTS) (EMERGENCY CONTROL) (ENGLAND) REGULATION 2003**

– makes provisions for the implementation of European Commission Decision 2003/493/EC (OJ

No. L168, 5.7.03, p.33) imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil. Further details are available from the contact address below.

**2002 No 931 THE FOOD (JELLY CONFECTIONERY) EMERGENCY CONTROL) (ENGLAND) REGULATION 2002 -**  
These Regulations implement Commission Decision 2002/247/EC suspending the placing on the market and import of jelly confectionery containing the food additive E425: Konjac (OJ No. L84, 28.3.2002,p.69).

The Regulations -

(a) prohibit, first, the carrying out of commercial operations with regard to jelly confectionery which contains the food additive E425: Konjac and which is intended for human consumption and, second, the use of that additive in the manufacture of jelly confectionery which is intended for human consumption (regulations 2 and 3);

(b) specify the enforcement authorities and make consequential provisions relating to the execution and enforcement of the Regulations by those authorities (regulation 4); and

(c) apply, with modifications, provisions of the 1990 Act (regulation 5).

2003 No 1957

**THE FOOD (FIGS, HAZELNUTS AND PISTACHIOS FROM TURKEY) (EMERGENCY CONTROL) (ENGLAND) (NO. 2) (AMENDMENT) REGULATIONS 2003**

These Regulations amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I. 2002/2351) (*regulation 2*).

S.I. 2002/2351 implements Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (OJ No. L34, 5.2.2002, p. 26) as amended by Commission Decision 2002/233/EC (OJ No. L78, 21.3.2002, p. 14) and Commission Decision 2002/679/EC (OJ No. L229, 27.8.2002, p. 37).

The effect of the amendment made by these Regulations is that S.I. 2002/2351 now implements Commission Decision 2002/80/EC as now also amended by Commission Decision 2003/552/EC (OJ No. L187, 26.7.2003, p.47). The categories of products which are subject to the special import conditions referred to above are specified in Article 1(1) of Commission Decision 2002/80/EC as amended by Commission Decision 2002/679/EC and Commission Decision 2003/552/EC.

The principal changes effected by these Regulations are that -

(a) the definition of "the Commission Decision" in regulation 2(1) of S.I. 2002/2351 is updated to reflect the amendment made to it by Commission Decision 2003/552/EC;

(b) there is a consequential amendment to the definition of "Turkish Products" in regulation 2(1) of S.I. 2002/2351; and

(c) the previous requirement that consignments of controlled Turkish products be subjected to random sampling and analysis to ensure compliance with Commission Decision 2002/80, as amended, is modified by providing that -

(i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of dried figs, hazelnuts and pistachios and certain products derived thereof,

(ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and

(iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

1956 No 1956 **THE FOOD (FIGS, HAZELNUTS AND PISTACHIOS FROM TURKEY) (EMERGENCY CONTROL) (ENGLAND) (NO. 2) (AMENDMENT) REGULATIONS 2003**

These Regulations amend the Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (No. 2) Regulations 2002 (S.I. 2002/2351) (*regulation 2*).

S.I. 2002/2351 implements Commission Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey (OJ No. L34, 5.2.2002, p. 26) as amended by Commission Decision 2002/233/EC (OJ No. L78, 21.3.2002, p. 14) and Commission Decision 2002/679/EC (OJ No. L229, 27.8.2002, p. 37).

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(i) sampling and analysis in relation to aflatoxin B1 and total aflatoxin shall be undertaken in respect of consignments of dried figs, hazelnuts and pistachios and certain products derived thereof,

(ii) the period of detention for the purpose of random sampling and analysis must not exceed 15 working days, and

(iii) each part of a split consignment must be accompanied by a copy of the health certificate and accompanying documents.

## **B: RADIOACTIVE CONTAMINATION OF FOODSTUFFS AND FEEDING STUFFS**

Fixes the maximum permitted levels for radioactive contamination of foodstuffs and feeding stuffs following a nuclear accident or radiological emergency made under Article 31 of the EC Treaty.

Council Regulation (Euratom) No. 3954/87

Subsequent Regulations relating to this Regulation are:-

Council Regulation (Euratom) No. 994/89

Council Regulation (Euratom) No. 2218/89

Council Regulation EEC No. 2219/89

Council Regulation No. 770/90

Relevant EC Directives: Council Directive 96/29/ Euratom

**Note:** Enquiries on the legislation listed in Parts 9A and B should be addressed to the Food Standards Agency, Chemical Contaminants and Animal Feed Division, Room 720 Aviation House, 125 Kingsway, London WC2B 6NH (Telephone (0)20-7276 8769).

## **C: RADIOACTIVITY IN FOODSTUFFS AND FEEDINGSTUFFS ORIGINATING FROM THIRD COUNTRIES**

Fixes the maximum permitted levels for radioactivity in foodstuffs and feeding stuffs originating from third countries (following the accident at the Chernobyl Nuclear Power Station) made under Article 113 of the EC Treaty.

Council Regulation [EEC] 737/90 subsequent regulations to this regulation are:-



Council Regulation 6169/2000 [extends validity of 737/90 from 31/3/2000 to 31/3/2010]  
Commission Regulation 727/97 [list of products covered by 737/90] has been **superceded**  
by Commission Regulation 1609/2000 (OJ L185, 25 July 2000, p27) which has the same title  
as 727/97.

Commission Regulation [EC] 1661/1999 [gives detailed rules for the import of wild mushroom  
products] as amended by Commission Regulation (EC) 1627/2000 (OJ L187, 26 July 2000,  
p7) and Commission Regulation (EC) 1621/2001 (OJ L215, 9 August 2001, p18)

**Note: Enquiries on the legislation listed in Part 9C should be addressed to the Food Standards Agency, Chemical Contaminants and Animal Feed Division, Room 715 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8769)**

## **PART 10: NOVEL FOODS/GENETICALLY MODIFIED ORGANISMS**

### **A: NOVEL FOODS**

#### SI Number

- |      |         |   |
|------|---------|---|
| 1997 | No 1335 | <b>THE NOVEL FOODS AND NOVEL FOOD INGREDIENTS REGULATIONS 1997</b> - make provision for the enforcement of EU Council Regulation 258/97 (OJ L 43 of 14.2.97) and designate the Food Standards Agency as the competent food assessment body. The EC Regulation requires that before novel foods and novel food ingredients are placed on the market they are subjected to a pre-market safety assessment.  |
| 1997 | No 1336 | <b>THE NOVEL FOODS AND NOVEL FOOD INGREDIENTS (FEES) REGULATIONS 1997</b> - provide for charges for assessment of novel foods and novel food ingredients.   |
| 1999 | No 3182 | <b>THE NOVEL FOODS AND NOVEL FOODS INGREDIENTS (AMENDMENT) (ENGLAND) REGULATIONS 1999</b> - to make provision in England for increasing the openness of the Advisory Committee on Novel Foods and Processes (ACNFP). This measure applies (with modifications) provisions of section 25 of the Food Safety Act 1990 to information submitted as part of a request to market a novel food in the UK under Article 4.1 of EC Regulation 258/97. These provisions of the 1990 Act so applied call for information covered by them to be protected from disclosure save as specified. Directions from the Food Standards Agency that the ACNFP disclose information submitted under Article 4.1 of EC Regulation 258/97 in accordance with accompanying Guidance Notes. |
| 2000 | No 768  | <b>THE GENETICALLY MODIFIED AND NOVEL FOODS (LABELLING) (ENGLAND) REGULATIONS 2000</b> - make provision in England for the continued enforcement of EC Regulation 1139/98 (OJ L159 3.6.98) (as amended by EC Regulation 49/2000 (OJ L6 11.1.00)) and Article 8(1) of EC Regulation 258/97 (OJ L43 14.2.97) The Regulations also make provision in England for the enforcement EC Regulation 50/2000. (OJ L6 11.1.00) The Regulations require the labelling of foods and food ingredients sold to the ultimate consumer and mass caterers (i.e., catering establishments) containing genetically modified soya or maize, or foods and food ingredients containing  |

additives and flavourings produced from GM sources. They also provide flexible labelling arrangements for businesses selling foods loose or prepacked for direct sale.

2000 No 656 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 – part II of Schedule 6 and Part III of Schedule 6

***Note: Enquiries on novel foods legislation should be addressed to the Food Standards Agency, Novel Foods Division, Room 515 Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20-7276 8577/8596; Fax (0)20-7276 8564)***

## **B: GENETICALLY MODIFIED ORGANISMS (GMOs)**

1992 No 3280 **THE GENETICALLY MODIFIED ORGANISMS (DELIBERATE RELEASE) REGULATIONS 1992** - Releases of genetically modified organisms is controlled under part IV of the Environmental Protection Act 1990 and the Genetically Modified Organisms (Deliberate Release) Regulations 1992. Together, these implement EC Directive 90/220/EEC (amended) on the deliberate release of genetically modified organisms in the environment. They provide the circumstances under which GMOs require consent for release into the environment, and, in the case of placing on the market of crops for feed and seed use, marketing consent.

The Regulations are amended by :

1995 No 304 **The Genetically Modified Organisms (Deliberate Release) Regulations 1995**

1997 No 1900 **The Genetically Modified Organisms (Deliberate Release and Risk Assessment-Amendment) Regulations 1997**

***Note: Enquiries relating to the deliberate release of genetically modified organisms legislation should be addressed to the Department of Environment, Transport and the Regions, Biotechnology Unit, Floor 3G9, Ashdown House, 123 Victoria Street, London SW1E 6DE. (Telephone (0)20-7890- 5275/5277; Fax (0)20-7890-5259).***

1992 No 3217 **THE GENETICALLY MODIFIED ORGANISMS (CONTAINED USE) REGULATIONS 1992** - implement Council Regulation 90/219/EEC (OJ No. L117 8.5.90) on the contained use of genetically modified micro-organisms (GMMs) and also cover the human health and safety aspects of contained use activities involving GMOs that are not micro - organisms. (i.e. animals and plants) They set out requirements for risk assessment, control and notification of activities involving GMOs under containment.

The Regulations are amended by:

1996 No 967 The Genetically Modified Organisms (Contained Use) (Amendment) Regulations 1996, which implement Commission Directive 94/81/EC and introduce updated criteria for classification of GMMs

1998 No 1548 The Genetically Modified Organisms (Contained Use) (Amendment) Regulations 1998, which take account of the adoption of EC Regulation No. 258/97 on Novel Food Ingredient.

**Note: Enquiries relating to the contained use of genetically modified organisms legislation should be addressed to the Health and Safety Executive, Biotechnology Policy, Room 6.19, Rose Court, Southwark Bridge, London, SE1 9HS. (Telephone (0)20 7717-6234; Fax (0)20-7717-6199).**

## PART 11: HYGIENE LEGISLATION

### A: FISHERY PRODUCTS AND LIVE BIVALVE MOLLUSCS

#### SI Number

1998 No 994 **THE FOOD SAFETY (FISHERY PRODUCTS AND LIVE SHELLFISH) (HYGIENE) REGULATIONS 1998** - These Regulations implement a number of EU Directives. They lay down the health conditions for the production and placing on the market of live bivalve molluscs as required by Council Directive 91/492/EEC (OJ No. L268, 24.9.91). They lay down the health conditions for the production and placing on the market of fishery products as required by Council Directive 91/493/EEC (OJ No. L268, 24.9.91) and implement Council Directive 95/71/EC (OJ No. L332, 30.12.95) which amends the Annex to Directive 91/493/EEC. They lay down the minimum hygiene rules applicable to fishery products caught on board fishing vessels as required by Council Directive 92/48/EEC (OJ No. L187, 7.7.92) in accordance with Article 3 (1) (a) (I) of Directive 91/493/EEC and implement paragraph 1, Section II, Chapter II of Annex A to Council Directive 96/43/EC (OJ No. L162, 1.7.96) on the charging for veterinary inspections and controls on live animals and certain animal products, including fishery products.

The Regulations are amended by:

1999 No 399 **The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999** - These Regulations implement Council Directive 97/61/EC (OJ No. L295, 29.10.97) amending the Annex to Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs.

1999 No 1585 **The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment (No.2) Regulations 1999** - implement Council Directive 96/43/EC (OJ No. L162, 1 July 1996), Chapter III, Section and Annex B point 1(b) relating to charging for hygiene inspections of fishery products.

2000 No 656 **The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000** - part III of Schedule 3

**Note:** Enquiries on fishery products legislation should be addressed to the Food Standards Agency, Microbiology Safety Division, Branch C, Room 816C Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone. (0)20-7276 8956).

## B: FOOD HYGIENE (GENERAL)

Directive 93/43 EEC (OJ No. L175, 19.7.93, p.1 on the hygiene of foodstuffs lays down general rules of hygiene and procedures for verification of compliance with these rules. The Directive covers the preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply of foodstuffs not covered elsewhere by product-specific hygiene Directives. It also covers gaps in the product-specific hygiene Directives. For example, few of these Directives cover the sale or supply of their foodstuffs, and where they do not then Directive 93/43 does. Directive 96/3/EC grants a derogation from certain dedicated transport provisions of Directive 93/43 above, as regards the transport of bulk liquid oils and fats by sea. Commission Directive 98/28/EC grants a derogation from certain dedicated transport provisions of Directive 93/43, as regards the bulk transport of raw sugar by sea.

### SI Number

1995 No 1763	<p><b>THE FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995</b> - implement Directive 93/43/EEC into Great Britain. These regulations place obligations on food business proprietors to ensure their activities are carried out in a hygienic way. The Regulations also implement Council Directive 80/778/EEC (OJ No. L229, 30.8.80, p.11) on the quality of water for human consumption, where it relates to water used in food production.</p>
1995 No 2200	<p><b>THE FOOD SAFETY (TEMPERATURE CONTROL) REGULATIONS 1995</b> – implement in Great Britain, part of Directive 93/43 as well as containing certain national provisions relating to food temperature control. These regulations require food business proprietors to observe certain temperature controls on the holding of food, where otherwise there would be a risk to health.</p>
1997 No 2537	<p><b>THE IMPORTED FOOD REGULATIONS 1997, REGULATION 10, SCHEDULE 2 AMENDS THE GENERAL FOOD HYGIENE REGULATIONS 1995-</b> implement, in Great Britain, Commission Directive 96/3/EC which grants a derogation from certain provisions of Council Directive 93/43/EEC as regards the transport of bulk liquid oils and fats by sea.</p>
1999 No 1360	<p><b>THE FOOD SAFETY (GENERAL FOOD HYGIENE) (AMENDMENT) REGULATIONS 1999</b> - implements Commission Directive 98/28 EC which grants a derogation from certain dedicated transport provisions of Council Directive 93/43/EEC. These Regulations permit, subject to certain conditions, the bulk transport of raw sugar by sea in receptacles, containers or tankers that are not exclusively for the transport of foodstuffs.</p>
2000 No 930	<p><b>The Food Safety (General Food Hygiene) (Butchers' Shops) Amendment Regulations 2000</b> -These Regulations amend the Food Safety General Food Hygiene Regulations 1995 in relation to England only. They introduce a requirement for premises of butcher's</p>

shops to be licensed by food authorities. They make provisions for applications for licences and provide that a charge of £100 is payable in respect of the issue of a licence.

\* See entry on penalties on page 3

**Note:** Enquiries on food hygiene legislation should be addressed to the Food Standards Agency, Microbiological Safety Division, Room 816B Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8973/8972; fax (0)20-7276 8908).

## C: ICE CREAM (HEAT TREATMENT)

### SI Number

1959	No 734	<b>THE ICE-CREAM (HEAT TREATMENT, ETC) REGULATIONS 1959</b> - require ingredients used in the manufacture of non-dairy ice-cream to be pasteurised or sterilised, as specified, include temperature control provisions and prohibit the sale or offer for sale of ice-cream that has not been so treated.  The Regulations are amended by:
1962	No 1287	The Food and Drugs (Legal Proceedings) Regulations 1962;
1963	No 1083	The Ice-Cream (Heat Treatment, etc) (Amendment) Regulations 1963;
1982*	No 1727	The Food (Revision of Penalties) Regulations 1982;
1985*	No 67	The Food (Revision of Penalties) Regulations 1985 (Category 2);
1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1995	No 1086	The Dairy Products (Hygiene) Regulations 1995.
1995	No 1763	The Food Safety (General Food Hygiene) Regulations 1995.

For heat treatment requirements for dairy ice cream see Dairy Products (Hygiene) Regulations 1995 see pages 67 and 68.

**Note:** Enquiries about these Regulations should be addressed to the Food Standards Agency Microbiological Safety Division, Branch B, Room 816B Aviation House, 125 Kingsway, London WC2B 6NH. (Telephone (0)20 7276 8987).

## D: MEAT HYGIENE

(i) BUTCHERS' SHOPS – SEE SECTION 11B

(ii). POULTRY MEAT, FARMED GAME BIRD MEAT & RABBIT MEAT

SI Number

2000 No 225

**THE MEAT ENHANCED ENFORCEMENT POWERS ENGLAND**

**REGULATION 2000** - provides amendments to the Poultry Meat, Farmed Gamed Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, The Fresh Meat Hygiene and Inspection Regulation 1995, The Meat Products (Hygiene) Regulations 1994 and the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.

The Regulations provide:

in licensed premises, powers for Meat Hygiene Service (MHS) staff to stop an operation or prohibit a process, and to seize meat which has not been produced in accordance with the meat hygiene Regulations;

outside licensed premises, powers for local authority enforcement officers stop an operation or prohibit a process, and to seize meat which has been illegally produced (e.g. from carcasses that have not been inspected and health marked). They will also be able to prosecute those selling or supplying such meat;

powers allowing the immediate suspension of licenses or approvals if food hygiene is seriously compromised;

powers for speeding up of the appeals procedure for revocation of licenses (operators will have 21 days instead of 28 to confirm their decision to appeal);

a statutory requirement to notify the MHS or local authorities of the names of plant operators, managers or directors, and of any subsequent changes.

1995 No 540

**THE POULTRY MEAT, FARMED GAME BIRD MEAT AND RABBIT MEAT (HYGIENE AND INSPECTION) REGULATIONS**

**1995** - implement Council Directives:

91/495/EEC of 27 November 1990 (OJ No. L268) (part) concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat; 92/116/EEC of 17 December 1992 (OJ No. L62) amending and updating Directive 71/118/EEC of 15 February 1971 (OJ No. L55) on health problems affecting trade in fresh poultry meat.

These Regulations –apply to poultry meat derived from domestic fowls, turkeys, guinea fowls, ducks and geese, farmed game bird meat derived from quail, pheasants, partridges, ostriches etc. and farmed rabbit meat. They prescribe the conditions which must be satisfied for the production, cutting up and storage of such meat intended for sale for human consumption. The Regulations, as amended, have transferred enforcement responsibility from local authorities to Food Standards Agency acting through the Meat Hygiene Service (MHS).

The Regulations are also amended by:

1995 No 1763  
2148

The Food Safety (General Food Hygiene) Regulations 1995  
The Wild Game Meat (Hygiene and Inspection) Regulations 1995;

1995	No. 2200	The Food Safety (Temperature Control) Regulations 1995
1995	No 3205	The Minced Meat and Meat Preparations (Hygiene) Regulations 1995
1997	No 1729	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997
2000	No 656	The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulation 2000
2001	No. 3399	The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2001
2002	No 889	The <b>Meat</b> (Hazard <b>Analysis</b> and <b>Critical Control Point</b> ) (England) Regulations 2002

### **(iii). FRESH RED MEAT**

#### SI Number

1995	No 539	<b>THE FRESH MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995</b> - implement Council Directives: 91/497/EEC of 29 July 1991 (OJ No. L268) laying down health conditions for the production and the placing on the market of fresh meat; 91/495/EEC (part) of 27 November 1990 (OJ No. L268) concerning public health and animal health problems affecting the production and placing on the market of farmed game meat.  The Regulations give effect to the EC Directive covering public health and animal health problems affecting the production and marketing of fresh meat and large farmed game. They cover all red meat premises involved in the production of red meat intended to be sold for human consumption. The Regulations (as amended, see S.I. No 656:2000 below) have transferred enforcement responsibility from local authorities to the Food Standards Agency acting through the Meat Hygiene Service (MHS).  The Regulations are amended by:
1995	No 731	The Welfare of Animals (Slaughter or Killing) Regulations 1995;
1995	No 1763	The Food Safety (General Food Hygiene) Regulations 1995;
1995	No 2148	The Wild Game Meat (Hygiene and Inspection) Regulations 1995;

- 1995 No 3124 The Colours in Food Regulations 1995;
- 1995 No 3189 **The Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 implement:**  
 - changes to Directive 91/497/EEC made by Directive 95/23/EEC of 22 June 1995 (OJ No. L243);  
 - Council Decision 95/409/EC (part) of 22 June 1995 (OJ No. L243) laying down rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Sweden and Finland;  
 - Commission Decision 95/287/EC (part) of 18 July 1995 (OJ No. L181) concerning certain protection measures relating to BSE.
- 1996 No 1148 **The Fresh Meat Hygiene and Inspection (Amendment) Regulations 1996** - extend the provision allowing the slaughter in licensed premises of animals not intended for human consumption to allow the slaughter of animal pursuant to, and in accordance with, a slaughter scheme introduced by or under Council Regulation (EEC) No 805/68;
- 1996 No 2235 **The Deregulation (Slaughterhouses Act 1974 and Slaughter of animals (Scotland) Act 1980) Order 1996**
- 1997 No 2074 **The Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1997** - removes the provision from the principal Regulations for the Slaughter of "private kills" animals i.e. animals slaughtered for the owners personal consumption. This ensures that all red meat animals killed in approved slaughterhouses for human consumption are treated as if they were intended for sale and therefore, subject to the full inspection and health marking requirements.
- 2000 No 656 **The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000**
- 2000 No 224 **The Meat (Hygiene and Inspection) (Charges) (Amendment) (England) regulation 2000** - provide for the withdrawal of Meat Hygiene Service inspection services from licensed meat plants where operators have failed to pay their inspection bills. These regulations also bring licensed fresh meat re-packaging centres within the scope of the Charges Regulation
- 2000 No 656 **The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000**
- 2002 No 889 **The Meat (Hazard Analysis and Critical Control Point) (England) Regulations 2002**



## (iv). WILD GAME MEAT

### SI Number

- 1995 No 2148 **THE WILD GAME MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995** - implement (in part) Council Directive 92/45/EEC of 16 June 1992 (OJ No. L268) on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat.
- The Regulations lay down the requirements to be met for the production of wild game meat for human consumption which is intended for consignment, or sale for consignment, to another EEA State. They require all such meat to be processed in a licensed premises and prescribe the conditions which must be satisfied for the processing and storage of such meat. Enforcement responsibilities lie with the Food Standards Agency acting through the Meat Hygiene Service (MHS).
- The Regulations are amended by:
- 1995 No 3205 The Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
- 2000 No 656 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 – part VI of schedule 4

## (v). INSPECTION CHARGES

### SI Number

- 1998 No 2095 **THE MEAT (HYGIENE AND INSPECTION) (CHARGES) REGULATIONS 1998** - implement the provisions relating to charges for meat hygiene inspections contained in Council Directive 85/73/EEC of 29 January 1985 (OJ No. L32) on the financing of veterinary inspections and controls of which a consolidated text is annexed to Council Directive 96/43/EC (OJ No L162, 1.7.96).
- The Regulations provide for charges for the purposes of the Fresh Meat (Hygiene and Inspection) Regulations 1995, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 and the Wild Game Meat (Hygiene and Inspection) Regulations 1995.
- The charges encompass any monitoring of the welfare of animals slaughtered for human consumption in slaughterhouses carried out under the welfare of Animals (Slaughter or Killing) Regulations 1995.

## (vi). APPEALS TRIBUNAL

- 1992 No 2921 **THE MEAT HYGIENE APPEALS TRIBUNAL (PROCEDURE) REGULATIONS 1992**
- These Regulations as amended by The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings)(England and

Wales) Regulations 2000 - part I of Schedule 4 - prescribe the procedure for hearings before a Meat Hygiene Appeals Tribunal in respect of a decision by the Food Standards Agency to refuse, revoke, suspend or impose conditions on a premises licence, pursuant to the various meat hygiene regulations. There are also guidance notes which give the appellant a broad explanation of how the procedures operate.

## **(vii). ANIMAL BY-PRODUCTS**

### SI Number

1995 No 614	<b>THE ANIMAL BY-PRODUCTS (IDENTIFICATION) REGULATIONS 1995</b> - require the immediate sterilisation and staining, at a slaughterhouse, game processing facility or any animal by products premises of any carcase (excluding poultry) which is not intended for direct human consumption and therefore defined as an animal by-product. Also make various provisions restricting the freezing, storage and movement of animal by-products.
	These Regulations are amended by:
1997 No 2073	The Animal By-Products (Identification) (Amendment) Regulations 1997 - adds to the definition of animal by-product to include carcasses or parts of carcasses of bovine animals which were slaughtered for human consumption but subsequently found to be over two years and six months at the time of slaughter (excluding those slaughtered under a scheme which allowed for the slaughter of older bovines).
2000 No 656	The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000.
2002 No 1619	The Animal By-Products (Identification)(Amendment)(England) Regulations 2002 - extends the sterilisation and staining requirements to poultry by-products, and to licensed cutting plants and cold stores, and requires containers in which any animal by-products are stored to be clearly labelled as "high risk" or "low risk" animal by-product.
2002 No 3231	The Animal By-Products (Identification)(Amendment)(England)(No. 2) Regulations 2002 – removes option to sterilise animal by-product, leaving staining as the only means of identification of "high risk" animal by-product.
2003 No 1484	The Animal By-Products (Identification)(Amendment)(England) Regulations 2003 – make consequential amendments to the 1995 Regulations to bring them in line with the EU Animal-By-Products Regulation (EC) No.1774/2002 and the enforcing legislation, The Animal By-Products Regulations 2003 for England (SI. No. 1482).

## **(viii). MEAT PRODUCTS AND OTHER PRODUCTS OF ANIMAL ORIGIN**

SI Number

1994 No 3082	<p><b>THE MEAT PRODUCTS (HYGIENE) REGULATIONS 1994</b> - implement Council Directive 77/99/EEC of 21 December 1976 (OJ No. L026) concerning public health problems affecting the production and placing on the market of meat products and certain other products of animal origin.</p> <p>The Regulations apply to meat products, meat based prepared meals, meat products in hermetically sealed containers and certain other products of animal origin intended for human consumption e.g. melted animal fats, greaves, meat powders, stomachs, bladders and intestines (tripe, natural sausage casings). They prescribe the conditions which must be satisfied for the manufacture, storage and distribution of meat products intended for sale for human consumption and the first stage processing (rendering or processing from raw materials) of other products of animal origin.</p> <p>These Regulations are amended by:</p>
1995 No 539	<b>The Fresh Meat (Hygiene and Inspection) Regulations 1995</b>
1995 No 1763	<b>The Food Safety (General Food Hygiene) Regulations 1995</b>
1995 No 2200	<b>The Food Safety (Temperature Control) Regulations 1995</b>
1995 No 3205	<b>The Minced Meat and Meat Preparations (Hygiene) Regulations 1995</b>
1996 No 1499	<b>The Food Labelling Regulations 1996</b>
1999 No 683	<b>The Meat Products (Hygiene) (Amendment) Regulations 1999</b>
2000 No 225	<b>The Meat (Enhanced Enforcement Powers) (England) Regulations 2000</b>
2000 No 656	<b>The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 - part II of Schedule 4.</b>
2000 No 790	<b>The Meat Products (Hygiene) (Amendment) (England) Regulations 2000</b>
2000 No 2215	<b>The Meat (Disease Control) (England) Regulations 2000</b>
2001 No 1512	<b>The Foot-and-Mouth Disease (Marking of Meat and Meat Products) Regulations 2001</b>
2001 No 1771	<b>The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) Regulations 2001</b>
2001 No 2601	<b>The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) (No. 2) Regulations 2001</b>

2002 No 118

**The Foot-and-Mouth Disease (Marking of Meat, Meat Preparations and Meat Products) Regulations 2002**

**(ix). MINCED MEAT AND MEAT PREPARATIONS**

SI Number

1995 No 3205

**THE MINCED MEAT AND MEAT PREPARATIONS (HYGIENE) REGULATIONS 1995** - implement Council Directive 94/65/EC of 14 December 1994 (OJ No. L368) concerning public health aspects affecting the production and placing on the market of minced meat and meat preparations.

The Regulations apply to the production of minced meat and meat preparations intended for human consumption. They take account of the different ways in which minced meat is prepared and consumed in different EC Member States and set separate standards for mince and meat preparations intended for the national market. Meat Preparations include beefburgers, chicken kiev, seasoned steaks and the traditional British sausage.

These Regulations are amended by:

2000 No 225

**The Meat (Enhanced Enforcement Powers) (England) Regulations 2000**

2000 No 656

**The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 - part II of Schedule 4.**

2000 No 2215

**The Meat (Disease Control) (England) Regulations 2000**

2001 No 1512

**The Foot-and-Mouth Disease (Marking of Meat and Meat Products) Regulations 2001**

2001 No 1739

**The Foot-and-Mouth Disease (Marking of Meat, Minced Meat and Meat Preparations) Regulations 2001**

2001 No 1771

**The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) Regulations 2001**

2001 No 2601

**The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) (No. 2) Regulations 2001**

2001 No 3451

**The Import and Export Restrictions (Foot-and-Mouth Disease) (No. 10) Regulations 2001**

2002 No 118

**The Foot-and-Mouth Disease (Marking of Meat, Meat Preparations and Meat Products) Regulations 2002**

**Note:** Enquiries on meat hygiene legislation should be addressed to the Food Standards Agency, Meat Hygiene Division, Room 315 Aviation House, 125 Kingsway, London, WC2B 6NH. (Telephone (0)20 7276 8357)

## (x). COLLAGEN AND GELATINE

### SI Number

2001 No 1553

**THE GELATINE (INTRA-COMMUNITY TRADE) (ENGLAND) REGULATIONS 2001** - implement Commission Decision 1999/724/EC of 28 October 1999 (OJ No. L290) amending Annex II to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

The Regulations require the authorisation and registration of premises producing gelatine for human consumption intended for trade with other EU Member States and collection centres and tanneries handling the raw materials for the production of such gelatine. The Regulations also set out structural and hygiene requirements for such establishments and standards for finished gelatine.

2003 No 1736

**THE COLLAGEN AND GELATINE (INTRA-COMMUNITY TRADE) (ENGLAND) REGULATIONS 2003** – implement Commission Decision 2003/42/EC of 10 January 2003 (OJ No. L13) amending Council Directive 92/118/EEC as regards requirements for collagen.

The Regulations require the authorisation and registration of premises producing collagen for human consumption intended for trade with other EU Member States and collection centres and tanneries handling the raw material for the production of such collagen. The Regulations also set out structural and hygiene requirements for such establishments and standards for finished collagen.

**Note:** Enquiries on meat hygiene legislation should be addressed to the Food Standards Agency, Meat Hygiene Division, Room 315 Aviation House, 125 Kingsway, London, WC2B 6NH. (Telephone (0)20 7276 8357)

## E: MILK AND MILK PRODUCTS

### SI Number

1995 No 1086

**THE DAIRY PRODUCTS (HYGIENE) REGULATIONS 1995** - as amended implement Council Directive 92/46/EEC of 16 June 1992

(OJ No. L268/1 14/9/92) amended by Directive 92/118 (OJ No. L062, 15/3/93), 94/71 (OJ No. L368, 31/12/94) and 96/23 (OJ No. L125, 23/05/96) and Commission Decision 94/330 (OJ No. L146, 11/06/94) laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products from cows, goats, ewes and buffaloes.

The Regulations are amended by:

1995 No 1763	The Food Safety (General Food Hygiene) Regulations 1995
1996 No 1499	The Food Labelling Regulations 1996
1996 No 1699	The Dairy Products (Hygiene) (Amendment) Regulations 1996
1997 No 1729	The Animals and Animal Products (Examination for Residues and Maximum Residues Limits) Regulations 1997
1998 No 2424	The Drinking Milk Regulations 1998.
2000 No 656	The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 - part III of Schedule 1

The Regulations provide for:

- registration of dairy farm premises and approval of dairy establishments (e.g. milk processors) subject to compliance with specified hygiene requirements;
- conditions for the heat treatment of milk, cream and dairy ice-cream#;
- microbiological standards, handling, storage, transport, wrapping, packaging, health marking and labelling requirements <sup>✧</sup> for dairy products;
- restrictions on sales of raw cows drinking milk;
- derogations for low capacity dairy establishments and for certain cheeses and "traditional" milk based products;
- import requirements.

# For heat treatment requirements for non dairy ice cream see *Ice Cream (Heat Treatment) Regulations 1959* on page 65-66.

<sup>✧</sup> For labelling requirements at retail level see *Food Labelling Regulations 1996* page 8 onwards.

***For compositional standards of certain dairy products see page 17 onwards***

## HEAT TREATMENT ORDERS - COWS MILK

SI Number

1959 No 277 **THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959 (Parts I and VII)<sup>+</sup>** - specify the rules under which Local Authorities can issue heat treatment orders for infected milk.

The Regulations are amended by:

1990	No 2486	The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990;
1992	No 3143	The Milk and Dairies (Standardisation and Importation) Regulations 1992.
1998	No 2424	The Drinking Milk Regulations 1998.

+ Other parts of these Regulations were revoked by the Dairy Products (Hygiene) Regulations 1995

## CHARGES

### SI Number

2000	No 1209	<b>THE DAIRY PRODUCTS (HYGIENE) (CHARGES) (AMENDMENT) (ENGLAND) REGULATIONS 2000</b> - provide for removal of charges for dairy hygiene inspection except in respect of visits for the purpose of taking samples of raw cows' milk for analysis and examination.
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*Note: Enquiries on milk and milk products hygiene legislation should be addressed to the Food Standards Agency, Microbiological Safety Division, Branch B, Room 816B Aviation House, 125 Kingsway, London, WC2B 6NH. (Telephone (0)20 7276 8987; fax (0)20 7276 8908).*

## PART 12: MARKETING STANDARDS - DESCRIPTIONS & DESIGNATIONS

### A: EGGS - MARKETING STANDARDS - SEE SECTION 5C

### B: FRESH FRUIT AND VEGETABLES MARKETING STANDARDS - SEE SECTION 7B

### C: OLIVE OIL

#### SI Number

2003	No 2577	<b>THE OLIVE OIL (MARKETING STANDARDS) REGULATIONS 2003</b>
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These Regulations, which apply to Great Britain, come into force on 1st November 2003 and provide for the application of -

- (a) Article 35 of Regulation No. 136/66/EEC of the Council on the establishment of a common organisation of the market in oils and fats ("Regulation 136/66") (OJ No. 172, 30.9.66, p. 3025) as last amended by Council Regulation (EC) No. 1513/2001 (OJ No. 201, 26.7.2001, p. 4); and
- (b) Commission Regulation (EC) No. 1019/2002 on marketing standards for olive oil ("Regulation 1019/2002") (OJ No. 155, 14.6.2002, p. 27) as last amended by Commission Regulation (EC) No. 1176/2003 (OJ No. L. 164, 2.7.2003, p. 12).

These Regulations revoke the Olive Oil (Marketing Standards) Regulations 1987 and the Olive Oil (Designations of Origins) Regulations 1999 with savings

**Please refer to the explanatory notes for further provisions**

***Note: Enquiries on olive oil legislation should be addressed to the Department of Environment . Food and Ruaral Affairs, Horticulture and Potatoes Division, Branch B, Room 907, Eastbury House, 30/34 Albert Embankment, London SE1 7TL. (Telephone (0)20-7238-1058).***

## **D: ORGANIC FOOD**

### SI Number

2001 No 2111

**THE ORGANIC PRODUCTS REGULATIONS, 2001** -These Regulations, which apply to England and come into force on 19th March 2001, provide for the continued administration, execution and enforcement of Council Regulation (EEC) No. 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, and of Commission Regulations supplementing that Regulation. A full list of amendments to Regulation 2092/91 is in Schedule 2 and a full list of the relevant Commission Regulations is in Schedule 1. Regulation 2092/91 has now been amended in particular by Council Regulation (EC) No. 1804/1999, which brings livestock production within the scope of Regulation 2092/91. Although Regulation 1804/1999 entered into force on 24th August 1999, only the prohibitions on the use of genetically modified organisms and their derivatives set out in that Regulation apply from that date. The rest of that Regulation applies from 24th August 2000 (Article 3 of that Regulation refers).

Regulation 3 designates the Minister of Agriculture, Fisheries and Food (Now DEFRA) as the inspection authority responsible for the inspection system under Regulation 2092/91, as amended ("the Council Regulation"), and the approval of private inspection bodies. Producers, importers and processors of organic products covered by the Council Regulation are subject to this inspection system. For the purposes of enforcing Articles 9(9) and 10(3) of the Council Regulation (irregularities and infringements of the rules on labelling and production of organic products) the Minister, or the private inspection body as appropriate, must give the relevant local authority the information which the local authority needs to enforce the organic labelling provisions (regulation 3(2)). The Minister is also authorised to act on behalf of the Scottish Ministers in respect of any functions exercisable by them as the authority responsible for the operation of the inspection system, the approval and supervision of inspection bodies and certain other purposes (regulation 3(3)). (Power to enter into corresponding arrangements for such functions to be exercised by him on behalf of the National Assembly for Wales and the



Department of Agriculture and Rural Development for Northern Ireland is conferred by, respectively, section 41 of the Government of Wales Act 1998 (c. 38) and section 28 of the Northern Ireland Act 1998 (c. 47).)

The Regulations impose an additional labelling requirement in respect of organic products in pursuance of Article 5 of the Council Regulation (regulation 4). The code numbers referred to in regulation 4 are contained in the UKROFS Standards for Organic Food Production, published by the Department of Environmental, Food and Rural Affairs. Details of the code numbers are available, free of charge, from Rural and Marine Environment Division, Branch D, Department of Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR (telephone 020 7238 5605; fax number 020 7238 6148).

Each local authority within its area will enforce regulation 4 and the provisions of the Council Regulation specified in column 1 of Schedule 3 to the Regulations, as read with any supplementary provisions listed in column 2 of that Schedule and, in the case of livestock and livestock products and as permitted by Article 12 of the Council Regulation as amended by Council Regulation (EC) No. 1804/1999, any additional standards for organic livestock and livestock products amongst those set out (which largely duplicate the EC standards) in the UKROFS Standards for Organic Food Production, February 2001 Edition, published by the Department of Environment, Food and Rural Affairs (a copy of which can be inspected, during normal office hours, at the address given above) (regulation 6(1)).

The Regulations also -

(a) provide for the payment of contributions to inspection expenses and access to the inspection system (regulation 5);

(b) make provision for offences and penalties (regulation 6(2)) and apply presumptions relating to sale and human consumption (regulation 6(3) and (4));

(c) contain powers of entry for authorised officers of local authorities (regulation 10) and supplementary provisions on enforcement (regulations 7 to 9, and 11 to 13) and protect officers acting in good faith (regulation 14);

(d) revoke the Regulations listed in Schedule 4, in so far as they apply to England, and make consequential amendments (regulation 15).

2003 NO 2821

### **THE ORGANIC PRODUCTS (IMPORTS FROM THIRD COUNTRIES REGULATIONS) 2003**

These Regulations, which apply to the United Kingdom, provide for the implementation of Commission Regulation (EC) No 1788/2001 ("the Commission Regulation") in relation to imports of consignments of organic products from third countries under Article 11 of Council Regulation (EEC) No 2092/91 ("the Council Regulation").

## The Regulations -

specify that they are to be enforced by the relevant local authority (a Port Health Authority, port or joint port local authority or district or other council) at the place of import (*regulation 3*);

- require a person seeking the release of the consignment into free circulation in the Community to give advance notice of its arrival (*regulation 4*);

- enable an authorised officer to prohibit the movement of a consignment (defined as a "controlled consignment") if he has reason to believe that there has been a failure to comply with the Council Regulation or the Commission Regulation (*regulation 5*);

- enable the authorised officer to consent to the movement of a controlled consignment provided certain conditions are satisfied (*regulation 6*);

- requires the importer to give an authorised officer such assistance as he may reasonably require (*regulation 7*);

- require the local authority to charge for verifying the consignment, or for prohibiting the movement of the consignment (*regulation 8*);

- specify offences for contravention of the Council Regulation and Commission Regulation, of regulations 4 and 7 and for the unauthorised movement of a controlled consignment (*regulations 9 and 10*);

- provide protection for authorised officers acting in good faith (*regulation 11*).

The following Regulations have been revoked:

1992	No 2111	The Organic Products Regulations 1992
1993	No 405	The Organic Products (Amendment) Regulations 1993;
1994	No 2286	The Organic Products (Amendment) Regulations 1994;
1997	No 166	The Organic Products (Amendment) Regulations 1997.

***Note: Enquiries on organic food legislation and amendments to the EC Regulation should be addressed to the Department of Environment, Food and Rural Affairs, Organic Farming and Industrial Crops Division, Organic Farming Unit, Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone (0)20-7238-5777).***

## E: PRESERVED FISH PRODUCTS

SI Number

1990 No 1084 **Preserved Sardines (Marketing Standards) Regulations 1990**

1994 No 2127 **Preserved Tuna and Bonito (Marketing Standards) Regulations 1994**

The Regulations enforce the provisions of Community Regulations 2136/89 and 1536/92 respectively, by creating offences and penalties. The Community Regulations establish common marketing standards in the EU for the products concerned, with a view to improving quality and facilitating trade on fair terms. The standards are enforced in the UK by Trading Standards Officers.

**Note:** *Enquiries on preserved fish products legislation should be addressed to the Department of Environment, Food and Rural Affairs Division I, Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone (0)20 7238-5884).*

## **F: PROTECTION OF FOOD NAMES**

A package of European legislation came into force in 1993 which provides for a system of the protection of food names on a geographical or traditional recipe basis. Under these Regulations a named food or drink registered at a European level will be given protection throughout the European Union.

**Council Regulation (EEC) No 2081/92 (OJ L 208 of 1992) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.**

Protected Designation of Origin (PDO) is open to products produced, processed and prepared within a particular geographical area, and with features and characteristics which must be due to the geographical area. The methods used to produce the product must be unique in that area.

Protected Geographical Indication (PGI) is open to products which must be produced or processed or prepared within a geographical area and have a reputation, features or certain qualities attributable to that area.

**Note:** *Enquiries on protection of food names Regulations should be addressed to the Department of Environment, Food and Rural Affairs, Agri Food Export and Regional Foods Promotion Division, Regional and Local Foods Branch, Nobel House, 17 Smith Square, London SW1P 3JR. (Telephone (0)20-7238 6687*

## **G: SPIRIT DRINKS**

The Scotch Whisky Act 1988 - makes provision as to the definition of Scotch Whisky and production and sale of whisky.

### SI Number

1990 No 997 **THE SCOTCH WHISKY ACT 1988 (COMMENCEMENT AND TRANSITIONAL PROVISIONS) ORDER 1990** - brings the Act into force;

1990 No 998 **THE SCOTCH WHISKY ORDER 1990** - clarify production rules for Scotch Whisky and specify a 40% minimum alcoholic strength.

The EC Spirit Drinks Regulation 1576/89 (Official Journal L160 of 1989). This Council Regulation lays down the general rules on the definition, description and presentation of spirit drinks produced in, imported into or exported from the Community.

Subsequent Regulations relating to this regulation are as follows:

- Commission Regulation 3773/89 (OJ L365 of 1989)
- Commission Regulation 1014/90 (OJ L105 of 1990)
- Commission Regulation 1759/90 (OJ L162 of 1990)
- Commission Regulation 3207/90 (OJ L307 of 1990)
- Commission Regulation 3750/90 (OJ L360 of 1990)
- Commission Regulation 1180/91 (OJ L115 of 1991)
- Commission Regulation 1781/91 (OJ L160 of 1991)
- Council Regulation 3280/92 (OJ L327 of 1992)
- Commission Regulation 3458/92 (OJ L350 of 1992)
- Commission Regulation 2675/94 (OJ L285 of 1994)
- Commission Regulation 3378/94 (OJ L366 of 1994)
- Commission Regulation 2626/95 (OJ L269 of 1995)
- Commission Regulation 2482/95 (OJ L256 of 1995)
- Commission Regulation 1712/95 (OJ L163 of 1995)
- Commission Regulation 2523/97 (OJ L346 of 1997)
- Commission Regulation 2140/98 (OJ L270 of 1998).

#### SI Number

- |      |         |  |
|------|---------|--|
| 1990 | No 1179 | The Spirit Drinks Regulations 1990 - provide for the enforcement of and are made under the EC Spirit Drinks Regulation 1576/89 in England and Wales (see above). |
| 1995 | No 732  | The Spirit Drinks (Amendment) Regulations 1995.  |

***Note: Enquiries on spirit drinks legislation should be addressed to the Department of Environment, Food and Rural Affairs, Food and Drink Industry Division, Alcoholic Drinks Branch B, Room 251 Nobel House, 17 Smith Square, London SW1P3JR. (Telephone (0)20-7238 3193.***

## **H: OTHER LEGISLATION**

**The Trade Descriptions Act 1968** makes it an offence for a person acting in the course of a trade or business to make false or misleading statements about goods, or knowingly or recklessly to make false or misleading statements about services, accommodation or

facilities. It contains Order making powers to require that goods bear or be accompanied by specific information in the course of their supply, and to define terms for the purposes of the Act. The Act prohibits the unauthorised use of devices or emblems signifying Royal approval or award.

***Note: Enquiries concerning trade descriptions legislation should be addressed to Mr Kevin Davis, the Consumer Affairs and Competition Policy Directorate, Department of Trade and Industry, Room 464, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0329).***

**The Consumer Protection Act 1987 (Part III)** makes it an offence for a consumer to be given a misleading indication, by any means, of the price at which goods, services, accommodation or facilities are available. Guidance on how the requirements of Part III might be met is contained in The Code of Practice for Traders on Price Indications, available from the address below. The Act also contains powers to regulate specific price indications practices.

#### **THE PRICES ACT 1974**

**The Price Indications (Food and Drink on Premises) Order 1979**, made under the Prices Act 1974, requires prices to be displayed on any premises where food and drink is or may be for sale for consumption by the public. The Order contains provisions on the number of prices to be shown, the inclusion of VAT and the circumstances under which the requirements differ, for example, whether the food or drink is supplied by self-service or not.

1991 No 1382	<b>THE PRICE MARKING ORDER 1991;</b>
1991 No 1690	The Price Marking (Amendment) Order 1991;
1994 No 1853	The Price Marking (Amendment) Order 1994;
1995 No 1441	The Price Marking (Amendment) Order 1995;

The Price Marking Order 1991 implements the provisions of Council Directives 79/581/EEC as amended by 88/315/EEC and 95/58/EC in respect of foodstuffs. The Order requires the selling price and in certain circumstances, the unit price to be shown.

A new Price Indications Directive (98/6/EC) was agreed in February 1998. This requires most goods to be unit priced as well as price marked. UK implementing legislation must be in place by March 2000.

***Note: All enquiries concerning price indications legislation should be addressed to Mr David Evans, the Consumer Affairs Directorate, Department of Trade and Industry, Bay 458, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0333).***

## PART 13: WEIGHTS AND MEASURES LEGISLATION

### THE WEIGHTS AND MEASURES ACT 1985

Section 28 of the 1985 Act makes short weight an offence. Orders made under Section 22 require most pre-packed food to carry on the container an indication of the net quantity of the contents. When sold other than pre-packed, most food is required to be sold either by quantity or by number. The seller has to make the quantity known to the purchaser. Orders made under the Act limit the quantities in which certain goods may be pre-packed when offered for retail sale (prescribed quantities).

Part V of the 1985 Act provides for the "average" system of quantity control for pre-packed goods sold by weight or volume.

The average system is designed primarily for application at the point of production or importation and requires the packer or importer to ensure that the packages will pass an Inspector's reference test.

The Act is amended by the Weights and Measures Act 1985, (Metrication) (Amendment) Order 1994 and the Units of Measurement Regulations 1994.

#### SI Number

1986	No 2049	<b>THE WEIGHTS AND MEASURES (PACKAGED GOODS) REGULATIONS 1986</b> - provide for the detailed application of the average system.  The Regulations are amended by:
1992	No 1580	The Weights and Measures (Packaged Goods) (Amendment) Regulations 1992;
1994	No 1258	The Weights & Measures (Packaged Goods) (Amendment) Regulations 1994;
1994	No 1852	The Weights and Measures (Packaged Goods and Quantity Marking and Abbreviation of Units) (Amendment) Regulations 1994.  These Regulations implement EC Directive 75/106/EEC as amended by Directives 78/891/EEC and 79/005/EEC on the making up by volume of certain pre-packaged liquids and EC Directive 76/211/EEC as amended by 78/891/EEC on the making up by weight or volume of certain pre-packed products where they relate to the average system.
1987	No 1538	<b>THE WEIGHTS AND MEASURES (QUANTITY MARKING AND ABBREVIATIONS OF UNITS) REGULATIONS 1987</b> - prescribe the units of measurement to be used for quantity marking, the manner of marking and the permitted symbols and abbreviations.  The Regulations are amended by:
1988	No 627	The Weights and Measures (Quantity Marking and Abbreviations of Units) (Amendment) Regulations 1988;
1994	No 1852	The Weights and Measures (Packaged Goods and Quantity Marking and Abbreviation of Units) (Amendment) Regulations 1994.

1986 No 1082 **THE UNITS OF MEASUREMENT REGULATIONS 1986** - define and authorise the use of SI units of measurements for economic, health, safety and administrative purposes and provide that certain imperial and other units are no longer authorised for the same purposes.

The Regulations are amended by:

1994 No 2867 The Units of Measurement Regulations 1994.

These Regulations implement the Units of Measurement Directive 80/181/EEC as amended by Directives 85/10/EEC and 89/617/EEC.

2001 No 85 **THE WEIGHTS AND MEASURES (METRICATION) REGULATION 2001**

These Regulations implement in part the amendments made by Directive 1999/103/EC of the European Parliament and of the Council of 24th January 2000 (OJ No. L34, 9.2.2000, p.17) to Council Directive 80/181/EEC (OJ No. L39, 15.2.1980, p.40) which relates to the use of units of measurement for economic, public health, public safety or administrative purposes to permit the use of non-metric units of measurement as "supplementary indications" until 31st December 2009.

These Regulations accordingly amend a number of Regulations, as specified in the Schedule, made under the Weights and Measures Act 1963 or the Weights and Measures Act 1985 on weighing and measuring equipment in use for trade. These Regulations insert the date of 31st December 2009 as the final date for the use of supplementary indications (the Schedule) and provide for the use of supplementary indications until that date in other Regulations (regulation 3(2)).

A Regulatory Impact Assessment of the costs and benefits which will result from these Regulations has been prepared. Copies have been placed in the Libraries of both Houses of Parliament and can also be obtained from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex TW11 0JZ.

***Note: Enquiries concerning weights and measures legislation (i.e. prescribed quantity legislation, packaged goods regulations, drained weight, marking of goods and sales of loose goods (including draught beer and wine by the glass) and Metrication should be addressed to the Consumer Affairs Directorate, Department of Trade and Industry, Room 459, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0334).***

***Enquiries concerning the units of measurement legislation should be addressed to the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex, TW11 0JZ. (Telephone (0)20-8943-7272 or 7277).***

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