

SCHEDULE 1

regulation 3

REGULATIONS RELATING TO DAIRY PRODUCTS, EGG PRODUCTS AND EGG HYGIENE: CONSEQUENTIAL PROVISIONS

PART I

CONSEQUENTIAL MODIFICATIONS TO THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959

1. In regulation 2(1)—
 - (a) after the definition of “the Act” there shall be inserted the following definition—

““the Agency” means the Food Standards Agency;”; and
 - (b) the definition of “the Minister” shall be deleted.
2. In regulation 3A, for the words “the Ministers” there shall be substituted the words “the Agency”.
3. In regulation 20(4), for the words “the Minister”, wherever they occur in that provision, there shall be substituted the words “the Agency”.

PART II

CONSEQUENTIAL MODIFICATIONS TO THE EGG PRODUCTS REGULATIONS 1993

1. In regulation 2(1), the definition of “appropriate Minister” shall be deleted.
- 2.—(1) In regulation 6(1)—
 - (a) for the words “The appropriate Minister” there shall be substituted the words “The food authority”; and
 - (b) for the words “he is satisfied” there shall be substituted the words “it is satisfied.”
- (2) In regulation 6(2)—
 - (a) for the words “The appropriate Minister” there shall be substituted the words “The food authority”; and
 - (b) for the words “his decision” there shall be substituted the words “its decision”.

PART III

CONSEQUENTIAL MODIFICATIONS TO THE DAIRY PRODUCTS (HYGIENE) REGULATIONS 1995

1. In regulation 2(1)—
 - (a) after the definition of “the Act” there shall be inserted the following definition—

““the Agency” means the Food Standards Agency;”;
 - (b) for the definition of “authorised officer” there shall be substituted the following definition—

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““authorised officer” means an officer authorised by the Agency, or an authorised officer of an approving authority, as the case may be, pursuant to section 6(6) of the Act;” and

(c) the definition of “Minister” shall be deleted.

2.—(1) In the provisions specified in sub-paragraph 2 below, for the words “the Minister”, wherever they occur in each of those provisions, there shall be substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(3), 4(4), 4(5), 4(6), 4(9), 4(10), 5(1), 5(2), 8(1), 8(3), 8(8), 16(2), 16(3) and 17.

3. In regulation 4(5), for the words “the Minister’s” there shall be substituted the word “its”.

4. In regulation 18(1), for the words “approving authority or the Minister” there shall be substituted the words “authorised officer of an approving authority or an authorised officer authorised by the Agency”.

PART IV

CONSEQUENTIAL MODIFICATIONS TO THE DAIRY PRODUCTS (HYGIENE) (CHARGES) REGULATIONS 1995

1. In regulation 2—

(a) after the definition of “the Act” there shall be inserted the following definition—

““the Agency” means the Food Standards Agency;”;

(b) in the definition of “inspector”, for the words “of the Minister” shall be substituted the words “authorised by the Agency”; and

(c) the definition of “the Minister” shall be deleted.

2. In regulations 3(1) and 4, for the words “the Minister”, where they respectively occur in each of those regulations, there shall be substituted the words “the Agency”.

PART V

CONSEQUENTIAL MODIFICATIONS TO THE EGGS (MARKETING STANDARDS) REGULATIONS 1995

1. In regulation 2, after the definition of “the Act” there shall be inserted the following definition—

““the Agency” means the Food Standards Agency;”.

2. For paragraph (2) of regulation 4, there shall be substituted the following paragraph—

“(2) In so far as any Community provisions do not relate to the matters to which paragraph (1) of this regulation relates—

(a) the Minister shall enforce and execute those covered by paragraph (a) of the definition of “Community provision” in regulation 2(1); and

(b) the Agency shall enforce and execute those covered by paragraph (b) of that definition.”.

3. In regulation 5—

- (a) after the words “Community provision”, in both places where they occur, there shall be inserted the words “covered by regulation 4(2)”; and
 - (b) for the words “of the Minister”, in both places where they occur, there shall be substituted the words “of the authority given, by regulation 4(2), the function of enforcing that provision”.
4. For regulation 6 there shall be substituted the following regulation—
- “6. If so required by notice in writing served on him by or on behalf of the Minister or the Agency, any person carrying on any activity regulated by any Community provision covered by regulation 4(2)(a) or (b) shall keep or cause to be kept such records as the Minister or, as the case may be, the Agency, may reasonably require for the purpose of enforcing or executing any such provision and shall provide the Minister or, as the case may be, the Agency, with such records as he or, as the case may be, it, may from time to time require.”.
5. In regulation 8(1)(a), for the words “to him by an authorised officer of the Minister or of a food authority” there shall be substituted the words “of him”.