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STATUTORY INSTRUMENTS

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**2001 No. 60**

**FOOD, ENGLAND**

**The Miscellaneous Food Additives  
(Amendment) (England) Regulations 2001**

<i>Made</i>	- - - -	<i>11th January 2001</i>
<i>Laid before Parliament</i>		<i>15th January 2001</i>
<i>Coming into force</i>	- -	<i>30th March 2001</i>

The Secretary of State, in exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990<sup>M1</sup>, and of all other powers enabling him in that behalf, after having regard, in accordance with section 48(4) of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B) of that Act, hereby makes the following Regulations:

**Marginal Citations**

**M1** 1990 c. 16; section 6(4)(a) of the Act was amended by the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#) Schedule 9, paragraph 6 and by the [Food Standards Act 1999 \(c. 28\)](#) Schedule 5, paragraph 10(3). Functions formerly exercisable by “the Ministers” are now exercisable, in relation to England, by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999; functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#); those functions, so far as exercisable in relation to Scotland, were transferred to “the Scottish Ministers” by section 53 of the [Scotland Act 1998 \(c. 46\)](#). Regulation 13(4) of [S.I. 2000/656](#) expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

**Title, commencement, extent and interpretation**

1. These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (England) Regulations 2001, shall come into force on 30th March 2001 and shall extend to England.

**Amendment of the principal Regulations**

2. The Miscellaneous Food Additives Regulations 1995<sup>M2</sup> shall be amended, in so far as they extend to England, in accordance with regulations 3 to 5 below.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Miscellaneous Food Additives (Amendment) (England) Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Marginal Citations**

**M2** S.I. 1995/3187, amended by S.I. 1997/1413 and S.I. 1999/1136.

3. In regulation 2(1) (interpretation), in the definition of “Directive 96/77/EC” there shall be added at the end the words “ and Commission Directive 2000/63/EC ”<sup>M3</sup>.

**Marginal Citations**

**M3** OJ No. L277, 30.10.2000, p. 1.

4. In regulation 11 (transitional provision and exemptions) there shall be inserted after paragraph (1B) the following paragraph—

“(1C) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that—

- (a) the food additive or food concerned was put on the market or labelled before 31st March 2001; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Miscellaneous Food Additives (Amendment) (England) Regulations 2001 had not been made when that matter occurred.”.

5. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

**Consequential amendments**

6.—(1) In so far as any Instrument listed in regulation 14(1) of the Miscellaneous Food Additives (Amendment) Regulations 1999 <sup>M4</sup> extends to England, that provision shall cease to have effect in relation to that instrument.

(2) In the following instruments, in so far as they extend to England, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those instruments as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997 <sup>M5</sup>, the Miscellaneous Food Additives (Amendment) Regulations 1999 and these Regulations:

- the Mineral Hydrocarbons in Food Regulations 1966 <sup>M6</sup>
- the Specified Sugar Products Regulations 1976 <sup>M7</sup>
- the Cocoa and Chocolate Products Regulations 1976 <sup>M8</sup>
- the Fruit Juices and Fruit Nectars Regulations 1977 <sup>M9</sup>
- the Condensed Milk and Dried Milk Regulations 1977 <sup>M10</sup>
- the Jam and Similar Products Regulations 1981 <sup>M11</sup>
- the Meat Products and Spreadable Fish Products Regulations 1984 <sup>M12</sup>
- the Food Additives Labelling Regulations 1992 <sup>M13</sup>.

the Food Labelling Regulations 1996<sup>M14</sup>.

**Marginal Citations**

- M4** [S.I. 1999/1136](#).
- M5** [S.I. 1997/1413](#).
- M6** [S.I. 1966/1073](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M7** [S.I. 1976/509](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M8** [S.I. 1976/541](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M9** [S.I. 1977/927](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M10** [S.I. 1977/928](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M11** [S.I. 1981/1063](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M12** [S.I. 1984/1566](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M13** [S.I. 1992/1978](#); the relevant amending instrument is [S.I. 1995/3187](#).
- M14** [S.I. 1996/1499](#) to which there are amendments not relevant to these Regulations.

Signed by authority of the Secretary of State for Health.

11th January 2001

*Gisela Stuart*  
Parliamentary Under-Secretary of State,  
Department of Health

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## SCHEDULE

Regulation 5

MISCELLANEOUS ADDITIVES FOR WHICH PURITY CRITERIA SPECIFIED OR REFERRED TO IN SCHEDULE 5 TO THE PRINCIPAL REGULATIONS ARE OMITTED

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E 296	Malic acid
E 297	Fumaric acid
E 350(i)	Sodium malate
E 350(ii)	Sodium hydrogen malate
E 351	Potassium malate
E 352(i)	Calcium malate
E 352(ii)	Calcium hydrogen malate
E 355	Adipic acid
E 363	Succinic acid
E 380	Triammonium citrate
E 500(i)	Sodium carbonate
E 500(ii)	Sodium hydrogen carbonate
E 500(iii)	Sodium sesquicarbonate
E 501(i)	Potassium carbonate
E 501(ii)	Potassium hydrogen carbonate
E 503(i)	Ammonium carbonate
E 503(ii)	Ammonium hydrogen carbonate
E 507	Hydrochloric acid
E 509	Calcium chloride
E 513	Sulphuric acid
E 514(i)	Sodium sulphate
E 515(i)	Potassium sulphate
E 516	Calcium sulphate
E 522	Aluminium potassium sulphate
E 524	Sodium hydroxide
E 525	Potassium hydroxide
E 526	Calcium hydroxide
E 527	Ammonium hydroxide
E 528	Magnesium hydroxide
E 529	Calcium oxide
E 530	Magnesium oxide
E 535	Sodium ferrocyanide

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E 536	Potassium ferrocyanide
E 541	Sodium aluminium phosphate, acidic
E 551	Silicon dioxide
E 552	Calcium silicate
E 553a(i)	Magnesium silicate
E 553a(ii)	Magnesium trisilicate
E 575	Glucono-delta-lactone
E 576	Sodium gluconate
E 577	Potassium gluconate
E 578	Calcium gluconate
E 640	Glycine
E 900	Dimethylpolysiloxane
E 901	Beeswax, white and yellow
E 903	Carnauba wax
E 904	Shellac
E 941	Nitrogen
E 942	Nitrous oxide
E 948	Oxygen
E 999	Extract of quillaia
E 1200	Polydextrose
	Propane-1, 2-diol (propylene glycol)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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).

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Miscellaneous Food Additives (Amendment) (England) Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

No regulatory impact assessment has been prepared in respect of these Regulations.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 6(2) omitted by [S.I. 2001/3775 reg. 9\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(2) substituted by [S.S.I. 2001/66 art. 2](#)