

2003 No. 1008

FOOD, ENGLAND

**The Miscellaneous Food Additives (Amendment) (England)
Regulations 2003**

<i>Made - - - -</i>	<i>31st March 2003</i>
<i>Laid before Parliament</i>	<i>4th April 2003</i>
<i>Coming into force</i>	<i>2nd May 2003</i>

The Secretary of State in exercise of the powers conferred on him 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(a) and now vested in him(b) and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) and in accordance with section 48(4) and (4B) of the Food Safety Act 1990, makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (England) Regulations 2003, shall extend to England only and shall come into force on 2nd May 2003.

Amendment of the Miscellaneous Food Additives Regulations 1995

2. In paragraph (1) of regulation 2 (interpretation) of the Miscellaneous Food Additives Regulations 1995(d), in the definition of “Directive 96/77/EC(e)”, for the phrase “and Commission Directive 2001/30/EC(f)” there shall be substituted the phrase “, Commission Directive 2001/30/EC and Commission Directive 2002/82/EC(g)”.

(a) 1990 c.16.

(b) Functions formerly exercisable by “the Ministers” (being in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) 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 (1999 c.28), and paragraphs 12(a) and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. Functions of “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), as read with section 40(3) of the 1999 Act, and those functions so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c.46), as read with section 40(2) of the 1999 Act. Regulation 13(4) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656) expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(c) OJ No. L31, 1.2.2002, p.1.

(d) S.I. 1995/3187, amended by S.I. 1997/1413, S.I. 1999/1136, S.I. 2000/3323, S.I. 2001/60, S.I. 2001/2294, S.I. 2001/3442, S.I. 2001/3775 and S.I. 2002/379.

(e) OJ No. L339, 30.12.1996, p.1.

(f) OJ No. L146, 31.5.2001, p.1.

(g) OJ No. L292, 28.10.2002, p.1.

Consequential amendments

3.—(1) Paragraph (2) of regulation 9 (consequential amendments) of the Miscellaneous Food Additives (Amendment) (England) (No. 2) Regulations 2001(a) shall be omitted.

(2) In the Regulations listed below, in so far as they extend to England, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(b), the Miscellaneous Food Additives (Amendment) Regulations 1999(c), the Coffee Extracts and Chicory Extracts (England) Regulations 2000(d), the Miscellaneous Food Additives (Amendment) (England) Regulations 2001(e), the Sweeteners in Food (Amendment) (England) Regulations 2001(f), the Colours in Food (Amendment) (England) Regulations 2001(g), the Miscellaneous Food Additives (Amendment) (England) (No. 2) Regulations 2001, the Sweeteners in Food (Amendment) (England) Regulations 2002(h) and these Regulations:

the Mineral Hydrocarbons in Food Regulations 1966(i);
the Specified Sugar Products Regulations 1976(j);
the Cocoa and Chocolate Products Regulations 1976(k);
the Fruit Juices and Fruit Nectars Regulations 1977(l);
the Condensed Milk and Dried Milk Regulations 1977(m);
the Jam and Similar Products Regulations 1981(n);
the Meat Products and Spreadable Fish Products Regulations 1984(o);
the Food Additives Labelling Regulations 1992(p);
the Food Labelling Regulations 1996(q).

Signed by authority of the Secretary of State for Health

31st March 2003

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

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- (a) S.I. 2001/3775.
(b) S.I. 1997/1413.
(c) S.I. 1999/1136.
(d) S.I. 2000/3323.
(e) S.I. 2001/60.
(f) S.I. 2001/2294.
(g) S.I. 2001/3442.
(h) S.I. 2002/379.
(i) S.I. 1966/1073; the relevant amending instrument is S.I. 1995/3187.
(j) S.I. 1976/509; the relevant amending instrument is S.I. 1995/3187.
(k) S.I. 1976/541; the relevant amending instrument is S.I. 1995/3187.
(l) S.I. 1977/927; the relevant amending instrument is S.I. 1995/3187.
(m) S.I. 1977/928; the relevant amending instrument is S.I. 1995/3187.
(n) S.I. 1981/1063; the relevant amending instrument is S.I. 1995/3187.
(o) S.I. 1984/1566; the relevant amending instrument is S.I. 1995/3187.
(p) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3187.
(q) S.I. 1996/1499; to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which extend to England only, amend the Miscellaneous Food Additives Regulations 1995, as already amended (“the principal Regulations”), which extend to the whole of Great Britain.

2. These Regulations implement Commission Directive 2002/82/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L292, 28.10.2002, p.1).

3. These Regulations specify new purity criteria in relation to the additives specified in the Annex to Commission Directive 2002/82/EC (*regulation 2*) and make related amendments to certain Regulations as regards references in those Regulations to the principal Regulations (*regulation 3*).

4. No regulatory impact assessment has been prepared in respect of these Regulations. A transposition note setting out how the main elements of Directive 2002/82/EC are transposed into domestic law by these Regulations has been prepared and placed in the library of each House of Parliament. Copies may be obtained from the Food Additives Branch, Chemical Safety and Toxicology Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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