

# Statutory Instrument 2000 No. 656

## **The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000**

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### STATUTORY INSTRUMENTS

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**2000 No. 656**

**FOOD**

**ENGLAND AND WALES**

**The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000**

<i>Made</i>	<i>8th March 2000</i>
<i>Laid before Parliament</i>	<i>9th March 2000</i>
<i>Coming into force</i>	<i>1st April 2000</i>

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The Secretary of State, in exercise of the power conferred on him by section 42(1) and (2) of the Food Standards Act 1999[1], hereby makes the following Regulations:

### **Title, extent and commencement**

**1. These Regulations may be cited as the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000, shall extend to England and Wales and shall come into force on 1st April 2000.**

### **Interpretation**

**2. - (1) In these Regulations -**

**"the 1999 Act" means the Food Standards Act 1999;**

**"instrument" means any instrument (other than any statutory instrument) relating to a transferred function, issued or made by or on behalf of a Minister of the Crown or the National Assembly for Wales, jointly by any one or more Ministers of the Crown or jointly by any one or more of those Ministers jointly with that Assembly, including -**

**(a) appointments (other than any appointment to an advisory committee);**

**(b) approvals, authorisations, licences, provisional licences and registrations;**

**(c) certificates;**

**(d) codes of practice;**

**(e) designations;**

**(f) notices;**

**(g) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;**

**(h) schemes and byelaws; and**

**(i) warrants;**

**"the Minister" means the Minister of Agriculture, Fisheries and Food and "the Ministry" shall be construed accordingly; and**

**"transferred function" means any function -**

**(a) of the Minister referred to in -**

**(i) subsection (1) of section 26 of the 1999 Act (statutory functions of the Minister ceasing to be exercisable by him);**

**(ii) paragraph 6 of Schedule 5 to the 1999 Act, paragraphs 7 to 25 of that Schedule and paragraph 43 of that Schedule (amendments respectively to the Food and Environment Protection Act 1985[2], the Food Safety Act 1990)[3] and the Radioactive Substances Act 1993[4]); and**

**(iii) the entries in Schedule 6 of the 1999 Act relating to the repeals of**

provisions of the Food Safety Act 1990 (other than sections 25 and 26(3)),

which relates to functions falling to the Agency under or by virtue of the 1999 Act; or

(b) exercisable by the Agency, instead of a Minister of the Crown or the National Assembly for Wales, after the coming into force of these Regulations by virtue of regulations 3 to 12(1) below (consequential provisions),

but does not include any exercise of the powers referred to in regulation 13(1)(c) or (d) below.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered Schedule, or a numbered Part of a Schedule, shall be construed as a reference to the Schedule or Part of the Schedule bearing that number in these Regulations.

**Regulations relating to dairy products, egg products and egg hygiene: consequential provisions**

3. - (1) The Milk and Dairies (General) Regulations 1959[5] shall be modified in accordance with the provisions of Part I of Schedule 1.

(2) The Egg Products (Hygiene) Regulations 1993[6] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 1.

(3) The Dairy Products (Hygiene) Regulations 1995[7] shall be modified in accordance with the provisions of Part III of Schedule 1.

(4) The Dairy Products (Hygiene) (Charges) Regulations 1995[8] shall be modified in accordance with the provisions of Part IV of Schedule 1.

(5) The Eggs (Marketing Standards) Regulations 1995[9] shall be modified, in relation to England and Wales, in accordance with the provisions of Part V of Schedule 1.

**Regulations relating to feedingstuffs: consequential provisions**

4. - (1) The Feeding Stuffs Regulations 1995[10] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 2.

(2) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999[11] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 2.

(3) Save in so far as they relate to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act), the Feeding Stuffs (Enforcement) Regulations 1999[12] shall be modified, in relation to England and Wales, in accordance with the provisions of Part III of Schedule 2.

(4) The Animal Feedingstuffs from Belgium (Control) (England and Wales) Regulations 2000[13] shall be modified in accordance with the provisions of Part IV of Schedule 2.

**Regulations relating to general food hygiene, temperature control and fish and shellfish hygiene: consequential provisions**

5. - (1) The Food Safety (General Food Hygiene) Regulations 1995[14] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 3.

**(2) The Food Safety (Temperature Control) Regulations 1995[15] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 3.**

**(3) The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998[16] shall be modified, in relation to England and Wales, in accordance with the provisions of Part III of Schedule 3.**

**Regulations relating to meat hygiene, etc.: consequential provisions**

**6. - (1) The Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992[17] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 4.**

**(2) The Meat Products (Hygiene) Regulations 1994[18] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 4.**

**(3) The Fresh Meat (Hygiene and Inspection) Regulations 1995[19] shall be modified, in relation to England and Wales, in accordance with the provisions of Part III of Schedule 4.**

**(4) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995[20] shall be modified, in relation to England and Wales, in accordance with the provisions of Part IV of Schedule 4.**

**(5) The Animal By-Products (Identification) Regulations 1995[21] shall be modified, in relation to England and Wales, in accordance with the provisions of Part V of Schedule 4.**

**(6) The Wild Game Meat (Hygiene and Inspection) Regulations 1995[22] shall be modified, in relation to England and Wales, in accordance with the provisions of Part VI of Schedule 4.**

**(7) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995[23] shall be modified, in relation to England and Wales, in accordance with the provisions of Part VII of Schedule 4.**

**(8) The Fresh Meat (Beef Controls) (No. 2) Regulations 1996[24] shall be modified, in relation to England and Wales, in accordance with the provisions of Part VIII of Schedule 4.**

**(9) The Beef Bones Regulations 1997[25] shall be modified, in relation to England and Wales, in accordance with the provisions of Part IX of Schedule 4.**

**(10) The Specified Risk Material Regulations 1997[26] shall be modified, in relation to England and Wales, in accordance with the provisions of Part X of Schedule 4.**

**(11) The Meat (Hygiene and Inspection) (Charges) Regulations 1998[27] shall be modified, in relation to England and Wales, in accordance with the provisions of Part XI of Schedule 4.**

**(12) The Specified Risk Material (Inspection Charges) Regulations 1999[28] shall be modified, in relation to England and Wales, in accordance with the provisions of Part XII of Schedule 4.**

**Regulations relating to imports and exports: consequential provisions**

**7. - (1) The Imported Food Regulations 1984[29] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 5.**

**(2) The Products of Animal Origin (Import and Export) Regulations 1996[30] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 5.**

**Regulations relating to food irradiation and novel foods: consequential provisions**

**8. - (1) The Food (Control of Irradiation) Regulations 1990[31] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 6.**

**(2) The Novel Foods and Novel Food Ingredients Regulations 1997[32] shall be modified, in relation to England, in accordance with the provisions of Part II of Schedule 6.**

**(3) The Novel Foods and Novel Food Ingredients (Fees) Regulations 1997[33] shall be modified, in relation to England and Wales, in accordance with the provisions of Part III of Schedule 6.**

**Emergency Control Orders: consequential provisions**

**9. - (1) The Food (Pistachios from Iran) (Emergency Control) Order 1997[34] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 7.**

**(2) The Food (Peanuts from Egypt) (Emergency Control) (England and Wales) Order 2000[35] shall be modified in accordance with the provisions of Part II of Schedule 7.**

**(3) The Food (Animal Products from Belgium) (Emergency Control) (England and Wales) Order 2000[36] shall be modified in accordance with the provisions of Part III of Schedule 7.**

**Other enactments: consequential provisions**

**10. - (1) The Sludge (Use in Agriculture) Regulations 1989[37] shall be modified, in relation to England and Wales, in accordance with the provisions of Part I of Schedule 8.**

**(2) The Environmental Protection (Applications, Appeals and Registers) Regulations 1991[38] shall be modified, in relation to England and Wales, in accordance with the provisions of Part II of Schedule 8.**

**(3) The Welfare of Animals (Slaughter or Killing) Regulations 1995[39] shall be modified, in relation to England and Wales, in accordance with the provisions of Part III of Schedule 8.**

**(4) The Bovines and Bovine Products (Trade) Regulations 1999[40] shall be modified, in relation to England and Wales, in accordance with the provisions of Part IV of Schedule 8.**

**(5) The Natural Mineral Water, Spring Water and Bottle Drinking Water Regulations 1999[41] shall be modified, in relation to England and Wales, in accordance with the provisions of Part V of Schedule 8.**

**Monitoring of enforcement action, etc.: consequential provisions**

**11. The definition of "relevant legislation" in section 15(1) of the 1999 Act shall have effect as if the references in sub-paragraph (a) to the provisions of regulations or orders made under the 1990 Act included references to the provisions (so far as they relate to England and Wales) of the Regulations made under section 2(2) of the European Communities Act 1972[42] specified in Schedule 9 to these Regulations.**

**Instruments, orders and judgements: consequential provisions**

**12. - (1) Subject to the following paragraphs of this regulation, any provision relating to a transferred function -**

- (a) in an instrument made before the coming into force of these Regulations; or**
- (b) in a court order or judgment made or given before the coming into force of these Regulations,**

shall have effect, so far as may be necessary or expedient in preparation for, in connection with, or in consequence of the transfer of that function to the Agency, as if any references in that provision (including any references which are to be construed as such references) to, or to the officers of, the Minister, the Ministry, the Secretary of State for Health or the National Assembly for Wales, were references to the Agency, or to its officers, as the context may require.

**(2) Paragraph (1) above shall not apply -**

- (a) to any authorisation, licence or provisional licence issued for the purposes of the Welfare of Animals (Slaughter or Killing) Regulations 1995 in force at the coming into force of these Regulations; or**
- (b) to any relevant designation after the expiry of the period of six months beginning at the coming into force of these Regulations.**

**(3) Paragraph (1) above shall apply to provisions of codes of practice issued under section 40 of the Food Safety Act 1990 before the coming into force of these Regulations but shall not apply so as to treat the authority by which the code was issued as altered.**

**(4) For the purposes of paragraph (2)(b) above, a "relevant designation" is a designation of an official veterinary surgeon, in force at the coming into force of these Regulations, under or for any purpose relating to -**

- (a) the Fresh Meat (Hygiene and Inspection) Regulations 1995;**
- (b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; or**
- (c) the Wild Game Meat (Hygiene and Inspection) Regulations 1995.**

**Transitional provisions and savings**

**13. - (1) The transfer to the Agency of any transferred function shall not affect -**

- (a) the validity of anything done, or having effect as if done, by or on behalf of the Minister before the coming into force of the provision by or under which the function is transferred;**
- (b) the power of the Minister to act on behalf of the Agency in carrying out its functions;**
- (c) the power of the Minister to act as competent authority for the purposes of -**

(i) article 14 of Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>[43]</sup>; and

(ii) article 3 of Commission Regulation (EC) No. 1141/97 laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products<sup>[44]</sup>; or

(d) the power of the Minister to join with the Secretary of State in making Regulations under the Food Safety Act 1990 in relation to -

(i) residues of veterinary products (as defined in section 29(2) of the 1999 Act) in food or food sources; and

(ii) charges for inspection in relation to such residues.

(2) Anything (including legal proceedings or anything in connection with legal proceedings) which at the coming into force of these Regulations is in the process of being done by or in relation to the Minister, so far as it relates to a transferred function, may be continued by or in relation to the Agency.

(3) Anything (including legal proceedings or anything in connection with legal proceedings) done or having effect as if done before the coming into force of these regulations by or in relation to the Minister, so far as it relates to a transferred function, shall have effect as if done by or in relation to the Agency.

(4) In so far as any existing Regulations or Orders made or having effect as if made by the Minister under the Food Safety Act 1990, including any Regulations or Orders made or having effect as if made under that Act by the Minister jointly with the Secretary of State for Health, any other named Secretary of State or the National Assembly for Wales, are in force at the coming into force of these Regulations, the powers of the Minister to revoke, amend or re-make the Regulations or Orders shall be exercisable, in the same manner and subject to the same conditions, by the Secretary of State.

(5) Where any property, right or liability of a Minister of the Crown is transferred to the Agency by virtue of a scheme made under section 41 of the 1999 Act -

(a) if the authority making the scheme certifies that the property, right or liability has been transferred to the Agency by virtue of subsection (4) of that section, on a day appointed by the scheme for the transfer of the property, right or liability, the certificate shall be conclusive evidence for all purposes of any fact stated in it with respect to the effect of that subsection in relation to the transfer; and

(b) paragraphs (3) and (4) above shall not apply on and after that day to the property, right or liability transferred.

**Transitional provisions and savings relating to powers to make Regulations under Part IV of the Agriculture Act 1970**

**14. - (1) Until the coming into force in England and Wales of the first Order under section 30 of the 1999 Act (animal feeding stuffs), the Secretary of State for Health shall have the same power to make, or join in making, Regulations under Part IV of the Agriculture Act 1970<sup>[45]</sup> in relation to feedingstuffs as had the Minister, in**

relation to England and Wales, immediately before the coming into force of these Regulations.

(2) The Secretary of State for Health may, jointly with, or instead of, the Minister, exercise the power conferred on him by paragraph (1) above.

(3) Any consultation undertaken wholly or partly before the coming into force of these Regulations relating to Regulations made under or partly under the power conferred on the Secretary of State for Health by paragraph (1) above shall be as effective for the purposes of the exercise of that power as if undertaken after these Regulations come into force.

(4) For the purposes of the exercise of the power conferred on the Secretary of State for Health by paragraph (1) above the Agency shall consult with such persons or organisations as appear to it to represent the interests concerned; and the consultation shall be as effective for the purposes of section 84 of the Agriculture Act 1970 as if undertaken under that section.

Signed by authority of the Secretary of State for Health

*Gisela Stuart*

Parliamentary Under-Secretary of State, Department of Health

8th March 2000

## 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 -**

**" "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".**

## **SCHEDULE 2**

### **regulation 4**

#### **REGULATIONS RELATING TO FEEDINGSTUFFS: CONSEQUENTIAL PROVISIONS**

##### **PART I**

#### **CONSEQUENTIAL MODIFICATIONS TO THE FEEDING STUFFS REGULATIONS 1995**

**1. In the definition of "national list" in regulation 2(1), for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Food Standards Agency".**

**2. In regulation 15(9), for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Food Standards Agency".**

## PART II

### CONSEQUENTIAL MODIFICATIONS TO THE FEEDING STUFFS (ESTABLISHMENTS AND INTERMEDIARIES) REGULATIONS 1999

#### 1. In regulation 2(2) -

(a) after the definition of "additive" 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. - (1) In the provisions specified in sub-paragraph (2) below, for the words "the Minister", "him" and "it", wherever they occur in each of those provisions, there shall be substituted the words "the Agency", "it" and "the competent body" respectively.

(2) The provisions referred to in sub-paragraph (1) above are regulations 10, 17, 24 and 31.

3. - (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 33(1), 34(1), 34(2), 35(1), 35(3) and 35(5).

4. In regulations 35(4) and 36(2), for the words "the Minister", "he" and "him", wherever they occur in each of those provisions, there shall be substituted the words "the Agency".

5. In regulations 36(1), 37(1) and (2), for the words "the Minister" and "he", wherever they occur in each of those provisions, there shall be substituted the words "the Agency".

#### 6. For regulation 38 there shall be substituted the following regulation -

" **Obligation of competent bodies to supply certain information to the Food Standards Agency**

38. Where any competent body comes into possession of information which it considers will assist the Agency to exercise its functions under regulations 36 and 37, the competent body shall as soon as possible provide that information to the Agency in writing."

7. In regulation 39, in the definitions of "approved third country establishment", "eligible person" and "registered third country establishment", for the words "the Minister", wherever they occur, there shall be substituted the words "the Agency".

8. In regulation 105, after the words "the Minister", there shall be inserted the words "or the Secretary of State for Health".

### PART III

#### CONSEQUENTIAL MODIFICATIONS TO THE FEEDING STUFFS (ENFORCEMENT) REGULATIONS 1999, SAVE IN SO FAR AS THEY RELATE TO ZOOTECHNICAL PRODUCTS (AS REFERRED TO IN SECTION 29(2)(d) OF THE 1999 ACT)

**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 regulations 4(13) and 6(6), for the words "the Minister", wherever they occur in each of those provisions, there shall be substituted the words "the Agency".**

**3. In regulation 9, after the words "the Minister" there shall be inserted the words "or the Secretary of State for Health"; and the provision of the Agriculture Act 1970 modified by that regulation shall be treated as further modified accordingly.**

**4. In regulation 14 -**

**(a) for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(b) for the word "him" there shall be substituted the words "the Agency".**

### PART IV

#### CONSEQUENTIAL MODIFICATIONS TO THE ANIMAL FEEDINGSTUFFS FROM BELGIUM (CONTROL) (ENGLAND AND WALES) REGULATIONS 2000

**1 In regulations 4(1), (2) and 5(1)(a), for the words "the Minister of Agriculture, Fisheries and Food", wherever they occur in each of those provisions, there shall be substituted the words "the Food Standards Agency".**

**2. In regulation 4(4) -**

**(a) for the words "the Minister of Agriculture, Fisheries and Food", there shall be substituted the words "the Food Standards Agency"; and**

**(b) for the words "as he may request" there shall be substituted the words "as it or, as the case may be, he, may request".**

### SCHEDULE 3

**regulation 5**

**REGULATIONS RELATING TO GENERAL FOOD HYGIENE, TEMPERATURE CONTROL AND FISH AND SHELLFISH HYGIENE: CONSEQUENTIAL PROVISIONS**

**PART I**

**CONSEQUENTIAL MODIFICATIONS TO THE FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995**

**In regulation 8(2)(c)(i) for the words "the Secretary of State", in both places where they occur, there shall be substituted the words "the Food Standards Agency".**

**PART II**

**CONSEQUENTIAL MODIFICATIONS TO THE FOOD SAFETY (TEMPERATURE CONTROL) REGULATIONS 1995**

**In regulations 12(a) and 19(2)(b)(i) for the words "the Secretary of State", in both places where they occur in those regulations, there shall be substituted the words "the Food Standards Agency".**

**PART III**

**CONSEQUENTIAL MODIFICATIONS TO THE FOOD SAFETY (FISHERY PRODUCTS AND LIVE SHELLFISH) (HYGIENE) REGULATIONS 1998**

**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) in the definition of "designated bivalve production area", for the words "the Ministers" there shall be substituted the words "the Agency".**

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

**(2) The provisions referred to in sub-paragraph (1) above are -**

**(a) regulations 3(1) to (3), 4, 5(1) and (2), 6(1), 7(3) and (4), 11(4)(b) and (5), 12(2) and (3), 14(2) and (4), 22(4) and 28(4)(c);**

**(b) in Schedule 2, paragraphs 4 and 12 of Section III of Chapter IV, paragraph 1(a) of section IV of Chapter IV and paragraph 8 of Chapter V; and**

**(c) in Schedule 3, paragraph 3B(2) of Section II of Chapter V.**

**3. In regulations 6(2) and 52(1), for the words "the Ministers" and "them", wherever they occur in each of those provisions, there shall be substituted respectively the words "the Agency" and "it".**

**4. In regulation 52(2)(b) -**

**(a) for the words "the Ministers", where they first occur, there shall be substituted the words "the Agency"; and**

**(b) for the words "the Ministers require the food authority to undertake on their behalf" there shall be substituted the words "the Agency requires the food authority to undertake on its behalf".**

**5. In regulation 52(3) -**

**(a) for the words "the Ministers", there shall be substituted the words "the Agency"; and**

**(b) for the words "assigned to them" there shall be substituted the words "assigned to it or, as the case may be, them".**

**6. In regulation 55(2), for the words "Ministers", there shall be substituted the words "the Secretary of State or the Agency".**

**7. In regulation 56(b)(i), for the words "the Minister", wherever they occur in that provision, there shall be substituted the words "the Secretary of State".**

**8. In paragraph 5 of Chapter III of Schedule 2, for the words "the Minister" there shall be substituted the words "the Agency".**

**9. In paragraph 1 of Chapter VI of Schedule 2 -**

**(a) for the words "the Ministers", there shall be substituted the words "the Agency"; and**

**(b) for the word "their" there shall be substituted the words "its".**

#### **SCHEDULE 4**

**regulation 6**

### **REGULATIONS RELATING TO MEAT HYGIENE, ETC.: CONSEQUENTIAL PROVISIONS**

## PART I

### CONSEQUENTIAL MODIFICATIONS TO THE MEAT HYGIENE APPEALS TRIBUNAL (PROCEDURE) REGULATIONS 1992

1. In regulation 1, after paragraph (2) there shall be added the following paragraph

-

" (3) In these Regulations "the Agency" means the Food Standards Agency;"

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

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1) and (2), 7, 8(3), 9(1)(c), 11(3)(d), (4) and (5), 12(3) and 18(1)(a) and (6).

## PART II

### CONSEQUENTIAL MODIFICATIONS TO THE MEAT PRODUCTS (HYGIENE) REGULATIONS 1994

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

(2) The provisions referred to in sub-paragraph (1) above are the definition of "approval authority" in regulation 2(1) and regulations 19(4) and 22.

3. In regulation 19 for paragraph (2) there shall be substituted the following paragraph -

" (2) The Agency shall be responsible for the supervision of, and the execution and enforcement of these Regulations in relation to, combined premises; and accordingly shall be responsible through authorised officers for checks under Part IV of Schedule 2 in combined premises."

## PART III

**CONSEQUENTIAL MODIFICATIONS TO THE FRESH MEAT (HYGIENE AND INSPECTION) 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;"; and**

**(b) the definition of "the Minister" shall be deleted.**

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

**(2) The provisions referred to in sub-paragraph (1) above are the definition of "OVS" in regulation 2(1), and regulations 4(1)(a) and (c)(iii), (2), (3) to (10), (11)(b)(i) and (ii), (12) and (13), 4A(1) to (4), 5(1), (1)(a) and (e), (2) and (3), 5A(1), (1)(b)(i), (2), (4) and (5), 6(1), (3), (4) and (5), 7A, 8(1), (2) and (3), 9(1), (2) and (4), 11(1), 12(1), (2), (3) and (5), 13(3)(b), 19(1) and (2), 20(1)(d), 21(2)(b) and (3) and paragraph 1(b) of Part I of Schedule 6, paragraphs 13 and 14 of Part IX of Schedule 10, paragraph 2(d) of Schedule 14, paragraph 2 of Schedule 16 and paragraphs 2(3), 3 and 4 of Schedule 21.**

**3. In the definition of "veterinary officer" in regulation 2(1), for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Agency".**

**4. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2), 5(1) and 5A(1)(a).**

**5. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "his", where this relates to "the Minister", there shall be substituted the word "its".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4) and (5), (12), 5(2)(a), 5A(2)(a) and 9(4).**

**6. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "he", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2)(a)(i) to (vi), (b) and (5), 5(1), 5A(2), (2)(b), (4) and (5), 9(2) and 12(2).**

**7. In paragraph 2(1) of Schedule 21 for the words "the appropriate Minister" there shall be substituted the words "the Agency".**

**8. In regulation 23 -**

**(a) as it has effect in relation to England, in paragraphs (1)(a) and (2), for the**

words "the Minister" there shall be substituted the words "the Agency"; and

(b) as it has effect in relation to Wales for the words "the Secretary of State"[\[46\]](#) there shall be substituted the words "the Agency".

#### PART IV

### CONSEQUENTIAL MODIFICATIONS TO THE POULTRY MEAT, FARMED GAME BIRD MEAT AND RABBIT MEAT (HYGIENE AND INSPECTION) 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) in the definition of "licensed", for the words "the Minister" there shall be substituted the words "the Agency";

(c) in the definition of "official veterinary surgeon" for the words "the Minister" there shall be substituted the words "the Agency"; and

(d) in the definition of "veterinary officer" for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Agency".

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

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4)(c), 4(1)(a) and (c)(iii), (2), (a)(i)(aa), (a)(i)(bb) and (a)(i), (ii), (ii)(aa) and (bb), (iii), (iii)(aa) and (bb), (iv), (iv)(aa) and (bb), (v) and (vi), (2)(b), (3) and (4), (6) to (9), 4A(1) to (4), 5(1), (1)(a) and (c), (2) and (4), 5A(1), (1)(b)(i), (2), (4) and (5), 6(1), (3), (4) and (5), 7A, 8(1), (2) and (4), 9(1) to (3), 11(1), (3), (4) and (5), 12(1), 13(1) to (3), 16(3) and (4), 17(2), 18(1)(d) and (e)(iii), (3), 20(2)(b) and (3), 21 and 22, paragraphs 5, 7(a) and 14 of Schedule 7, paragraph 8(b)(iv) of Schedule 11, paragraphs 2(1) and (3), 3 and 4 of Schedule 15 and paragraphs 3 and 4(d) of Schedule 16.

3. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2) and 5A(1)(a).

4. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "his", where this relates to "the Minister", there shall be substituted the word "its".

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4), 5(2), 5A(2)(a) and 11(5).

5. - (1) In each of the provisions specified in sub-paragraph (2) below for the word

"he", where this relates to "the Minister", there shall be substituted the words "the Agency".

(2) The provisions referred to in sub-paragraph (1) above are regulations 5A(2) and 2(b), (4) and (5), 9(2) and 13(2).

6. In regulation 23 -

(a) as it has effect in relation to England, in paragraphs (1)(a) and (4), for the words "the Minister" there shall be substituted the words "the Agency"; and

(b) as it has effect in relation to Wales, in paragraph (1) for the words "the Secretary of State"[\[47\]](#) there shall be substituted the words "the Agency".

## PART V

### CONSEQUENTIAL MODIFICATIONS TO THE ANIMAL BY-PRODUCTS (IDENTIFICATION) REGULATIONS 1995

1. In regulation 2(1), after the definition of "the Act" there shall be added the following definition -

" "the Agency" means the Food Standards Agency;".

2. In regulations 3(3) and 13, for the words "the Minister" there shall be substituted the words "the Agency".

3. In regulation 12(1)(a) -

(a) for the words "by the Minister of Agriculture, Fisheries and Food in relation to England" there shall be substituted the words "by the Agency in relation to England and Wales"; and

(b) the words at the end "or Wales" shall be deleted.

## PART VI

### CONSEQUENTIAL MODIFICATIONS TO THE WILD GAME MEAT (HYGIENE AND INSPECTION) 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) in the definition of "licensed" for the words "the Minister" there shall be substituted the words "the Agency"; and

(c) in the definition of "OVS" for the words "the Minister" there shall be substituted the words "the Agency"; and

**(d) in the definition of "veterinary officer", for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Agency".**

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

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), (2)(a), (3), (4), (6) and (7), 4(1), (1)(a) and (c), (2) and (4), 5(1), (3) and (4), 6(1), (2) and (4), 7(1), (2) and (3), 9(1), (3), (4) and (5), 10(1), 11(1), (2) and (3), 14(1) and (2), 15(1)(d) and (3), 16(2)(b) and (3) and paragraphs 3(b)(iv) of Schedule 7 and 2(1) and (3), 3 and 4 of Schedule 12.**

**3. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), 4(1), 6(2) and 9(3).**

**4. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "his", where this relates to "the Minister", there shall be substituted the word "its".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4), 4(2), 7(3) and 9(5).**

**5. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "he", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (2)(b), 4(1), 7(2), 9(4) and 11(2).**

**6. In regulation 18 -**

**(a) as it has effect in relation to England, for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Agency"; and**

**(b) as it has effect in relation to Wales, for the words "the Secretary of State" [48] there shall be substituted the words "the Agency".**

## **PART VII**

### **CONSEQUENTIAL MODIFICATIONS TO THE MINCED MEAT AND MEAT PREPARATIONS (HYGIENE) REGULATIONS 1995**

**1. In regulation 2(1) -**

**(a) after the definition of the "the Act" there shall be inserted the following definition -**

**" "the Agency" means the Food Standards Agency;"**

**(b) in the definition of "approval authority" for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(c) the definition of "the Minister" shall be deleted.**

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

**(2) The provisions referred to in sub-paragraph (1) above are regulations 10 and 12(1), (2), (3) and (8).**

## **PART VIII**

### **CONSEQUENTIAL MODIFICATIONS TO THE FRESH MEAT (BEEF CONTROLS) (NO. 2) REGULATIONS 1996**

**1. In Regulation 2(1), the following definition shall be inserted in the appropriate alphabetical position -**

**" "the Agency" means the Food Standards Agency;"**

**2. In regulation 4(1) and (2), for the words "the Minister" there shall be substituted the words "the Agency".**

**3. In regulation 5(2), after the words "the Minister" there shall be inserted the words "the Agency".**

**4. In regulation 7 -**

**(a) as it has effect in relation to England, for the words "the Minister of Agriculture, Fisheries and Food" there shall be substituted the words "the Agency"; and**

**(b) as it has effect in relation to Wales, for the words "the Secretary of State" [\[49\]](#) there shall be substituted the words "the Agency".**

**5. In Part II of Schedule 1 -**

**(a) in paragraph 1, for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(b) in paragraph 5, for the words "the Minister" there shall be substituted the words "the Agency".**

## **PART IX**

### **CONSEQUENTIAL MODIFICATIONS TO THE BEEF BONES REGULATIONS 1997**

**1. In regulation 2(1), after the definition of "additive" there shall be added the**

**following definition -**

**" "the Agency" means the Food Standards Agency;"**.

**2. In regulation 12(1) -**

**(a) in sub-paragraph (a), as it has effect in relation to England, for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(b) in sub-paragraph (b), as it has effect in relation to Wales, for the words "the Secretary of State"(a) there shall be substituted the words "the Agency".**

## **PART X**

### **CONSEQUENTIAL MODIFICATIONS TO THE SPECIFIED RISK MATERIAL REGULATIONS 1997**

**1. In regulation 2(1), after the definition of "the Act" there shall be added the following definition -**

**" "the Agency" means the Food Standards Agency;"**.

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

**(2) The provisions referred to in sub-paragraph (1) above are the definition of "listed premises" in regulation 2(1) and regulations 9(1), (2), (3), (4) and (5), 15(7) and (8), 16(4), 16A(4), 18(5).**

**3. In regulation 6 -**

**(a) for paragraph (1) there shall be substituted the following paragraphs -**

**" (1) The Minister may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if he is satisfied that the premises -**

**(a) are properly equipped to carry out the functions to which the approval relates; and**

**(b) comply with the requirements of that Part of these Regulations.**

**(1A) The Agency may, on application, authorise or register any premises for the purposes of Parts II, IV or V of these Regulations (respectively: restrictions on the use of specified risk material and vertebral column of ruminant animals, prohibitions on the removal of certain specified risk materials from ruminant animals and particular requirements in relation to sheep and goats) if it is satisfied that the premises -**

**(a) are properly equipped to carry out the functions to which the authorisation or registration relates; and**

**(b) comply with the requirements of the Part of these Regulations to which the authorisation or registration relates." ; and**

**(b) in paragraph (3) for the words "the Minister" there shall be substituted the words "the Minister or, as the case may be, the Agency".**

**4. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 9(4) and (5), 15(7) and 26(1).**

**5. In regulation 26(1), for the word "he", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**6. In regulation 31(1) -**

**(a) in sub-paragraph (a), as it has effect in relation to England, for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(b) in sub-paragraph (b), as it has effect in relation to Wales, for the words "the Secretary of State"[\[50\]](#) there shall be substituted the words "the Agency".**

## **PART XI**

### **CONSEQUENTIAL MODIFICATIONS TO THE MEAT (HYGIENE AND INSPECTION) (CHARGES) REGULATIONS 1998**

**1. In regulation 2(1) -**

**(a) in the definitions of "accounting period" and "agreed PIA costs" for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(b) after the definition of "accounting period" there shall be inserted the following definition -**

**" "the Agency" means the Food Standards Agency;"**

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

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1), (2), (3), (4), (5) and (10), 3A, 4(1), (1)(a) and (b) paragraphs 4(a)(ii), (b) and (b)(ii), 13, 14(b), 16 and 17(1)(a) of the Schedule.**

**3. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (3) and 4(1)(b) and paragraph 13 of the Schedule.**

**4. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "he", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), (3) and (10).**

## **PART XII**

### **CONSEQUENTIAL MODIFICATIONS TO THE SPECIFIED RISK MATERIAL (INSPECTION CHARGES) REGULATIONS 1999**

**1. In regulation 2(1) -**

**(a) the following definition shall be inserted in the appropriate alphabetical position -**

**" "the Agency" means the Food Standards Agency;" and**

**(b) in the definitions of "SRM charge" and "SRM inspector" for the words "the Minister" there shall be substituted the words "the Agency".**

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

**(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1), (2) and (3) and 4(1), (1)(a) and (b) and paragraphs 2, 3(b) and 5 of the Schedule.**

**3. - (1) In each of the provisions specified in sub-paragraph (2) below for the word "him", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) The provisions referred to in sub-paragraph (1) above are regulation 4(1)(b) and paragraph 2 of the Schedule.**

## **SCHEDULE 5**

**regulation 7**

### **REGULATIONS RELATING TO IMPORTS AND EXPORTS: CONSEQUENTIAL PROVISIONS**

## **PART I**

### **CONSEQUENTIAL MODIFICATIONS TO THE IMPORTED FOOD REGULATIONS 1984**

**1. In regulation 12(1) -**

**(a) the following definition shall be inserted in the appropriate alphabetical position -**

**" "the Agency" means the Food Standards Agency;"; and**

**(b) the definition of "the Ministers" shall be deleted.**

**2. - (1) In regulation 13, for the words "the Ministers", where they occur in paragraphs (1)(c), (3) and (3)(a), there shall be substituted the words "the Agency".**

**(2) In paragraph (3) of regulation 13, for the words "appear to them" there shall be substituted the words "appears to the Agency".**

**PART II**

**CONSEQUENTIAL MODIFICATIONS TO THE PRODUCTS OF ANIMAL ORIGIN (IMPORT AND EXPORT) REGULATIONS 1996**

**1. In regulation 1(2), the following definition shall be inserted in the appropriate alphabetical position -**

**" "the Agency" means the Food Standards Agency;".**

**2. - (1) In paragraph (1)(a) of regulation 3 -**

**(a) for the words "the Minister of Agriculture, Fisheries and Food in relation to England" there shall be substituted the words "the Agency in relation to England and Wales"; and**

**(b) the words at the end "and Wales" shall be deleted.**

**(2) In paragraph (2) of regulation 3, after the words "one of the Minister's officers", there shall be inserted the words "or the Agency".**

**(3) In paragraph (3) of regulation 3, after the words "The Minister" there shall be substituted the words "or the Agency".**

**(4) After paragraph (4) of regulation 3 there shall be inserted the following paragraph -**

**" (4A) Subject to paragraph (4B) below, the Agency may direct, in relation to cases of a particular description, or a particular case, that these Regulations shall be executed and enforced by the Agency instead of the local authority, or jointly by the Agency and the local authority.**

**(4B) The Agency shall not issue a direction under paragraph (4A) above to a local authority, in relation to any case or description of case, where a direction**

has been issued to the authority in respect of the case or description of case -

(a) by the Minister under paragraph (2) above; or

(b) by the Minister or the Secretary of State under paragraph (5) below."

**(5) In paragraph (5) of regulation 3 -**

**(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph**

-

**" (a) in England and Wales, may also be exercised by the Secretary of State for Health;" and**

**(b) in sub-paragraph (b), the words "and Wales" shall be deleted.**

**3. - (1) In regulation 4, after paragraph (1) there shall be inserted the following paragraph -**

**" (1A) The Agency, after consulting the Secretary of State, may also exercise the powers to give directions in paragraph (1) above, either jointly with any one or more of the ministers referred to in that paragraph or alone."**

**(2) In regulation 4(3), for the words "the Minister or the Secretary of State" there shall be substituted the words "the Agency, the Minister or the Secretary of State".**

**4. In paragraphs (1), (2), (3) and (6) of regulation 6, for the words "the Minister", wherever they occur in those paragraphs, there shall be substituted the words "The Agency or the Minister".**

**5. In regulation 13 -**

**(a) in paragraphs (2) and (3), after the words "the Minister" there shall be inserted the words ", the Agency"; and**

**(b) in paragraph (7) -**

**(i) for the words "the Minister" there shall be substituted the words "the Agency"; and**

**(ii) the words "or Wales" shall be deleted.**

**6. In regulation 15(c), after the words "the Minister" there shall be inserted the words ", the Agency".**

**7. In regulation 16, in paragraphs (1), (2), (3) and (6), after the words "the Minister" in each place where they occur in those paragraphs, there shall be inserted the words ", the Agency".**

**8. For paragraph (5) of regulation 21 there shall be substituted the following**

**regulation -**

**" (5) Before authorising the release of any product, the official veterinary surgeon shall, -**

**(a) where he has any doubt relating to the protection of public health whether a product should be released, consult the Agency; and**

**(b) where he has any doubt relating to the protection of animal health whether a product should be released, consult the Divisional Veterinary Manager,**

**and shall take no further action in connection with the release of the product without first informing the Agency or the Divisional Veterinary Manager."**

**9. In regulation 25 -**

**(a) in paragraph (2), for the words "Subject to paragraph (3) below" there shall be substituted the words "Subject to paragraphs (2A) and (3) below"; and**

**(b) after paragraph (2) there shall be inserted the following paragraph -**

**" (2A) Where the Divisional Veterinary Manager is consulted under paragraph (2) above by an official veterinary surgeon in relation to non-compliance of any products of animal origin with public health conditions -**

**(a) the Divisional Veterinary Manager shall consult the Agency; and**

**(b) the official veterinary surgeon shall not authorise the importer of the products to transport them for storage in a free zone or free warehouse in accordance with the provisos in paragraph (2) above without first informing the Agency."**

**10. - (1) In regulations 28, 29 and 33(1), after the words "the Minister" there shall be inserted the words ", the Agency".**

**(2) For paragraph (2) of regulation 33 there shall be substituted the following paragraph -**

**" (2) If requested in writing to do so by the Minister or the Agency, a local authority shall provide the Minister or, as the case may be, the Agency with -**

**(a) such information relating to the calculation of charges as the Minister or, as the case may be, the Agency, may require; and**

**(b) copies of any written representations made by the persons referred to in paragraph (1) above."**

**11. - (1) In regulation 34(1), for the words "appeal to the Minister against the amount of the charge" there shall be substituted the following paragraphs -**

**" (a) in the case of a charge for a health inspection and control exercise carried out otherwise than in relation to any function of the Agency, appeal to the Minister against the amount of the charge; and**

**(b) in the case of a charge for a health inspection and control exercise carried out in relation to any function of the Agency, appeal to the Agency against the amount of the charge."**

**(2) In regulation 34(2), after the words "the Minister" there shall be inserted the words "or, as the case may be, the Agency".**

**(3) In paragraph (4) of regulation 34 -**

**(a) after the words "the Minister", in the first place where they occur in that paragraph, there shall be inserted the words "or, as the case may be, the Agency"; and**

**(b) after the words "the Minister", in the second place where they occur in that paragraph, there shall be inserted the words "or, as the case may be in relation to an appeal against a charge levied by the Agency, the Secretary of State".**

**(4) In paragraph (5) of regulation 34, after the words "the Minister" there shall be inserted the words "or, as the case may be, the Agency".**

**12. In regulation 35(1) and (2), after the words "the Minister" there shall be inserted the words ", the Agency".**

**13. In regulations 37(4), 39(1) and (2), after the words "the Minister" there shall be inserted the words ", the Agency".**

## **SCHEDULE 6**

**regulation 8**

### **REGULATIONS RELATING TO FOOD IRRADIATION AND NOVEL FOODS: CONSEQUENTIAL PROVISIONS**

#### **PART I**

#### **CONSEQUENTIAL MODIFICATIONS TO THE FOOD (CONTROL OF IRRADIATION) REGULATIONS 1990**

**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) in the definition of "licensing authority", for paragraph (a) there shall be substituted the following paragraph -**

**" (a) in relation to premises in England and Wales, the Agency, and".**

**2. In Schedule 2 -**

**(a) in paragraph 1, for the words "the appropriate Ministers" there shall be substituted the words "the Agency";**

**(b) sub-paragraph (a) of paragraph 1(2) shall be revoked;**

**(c) in paragraphs 2(1) and (2) -**

**(i) for the words "the appropriate Ministers", wherever they occur, there shall be substituted the words "the Agency"; and**

**(ii) for the words "they are", wherever they occur, there shall be substituted the words "it is"; and**

**(d) in paragraph 2(3) -**

**(i) for the words "the appropriate Ministers cease" there shall be substituted the words "the Agency ceases"; and**

**(ii) for the word "they" there shall be substituted the word "it".**

**PART II**

**CONSEQUENTIAL MODIFICATION TO THE NOVEL FOODS AND NOVEL  
FOOD INGREDIENTS REGULATIONS 1997**

**In regulation 3(1)(b), for the words "the Minister of Agriculture, Fisheries and Food, who shall act jointly with the Secretary of State for Health" there shall be substituted the words "the Food Standards Agency, which shall act".**

**PART III**

**CONSEQUENTIAL MODIFICATIONS TO THE NOVEL FOODS AND NOVEL  
FOOD INGREDIENTS (FEES) REGULATIONS 1997**

**1. Regulation 2 shall be revoked.**

**2. In regulation 3(1), for the words "the Minister", in both places where they occur, there shall be substituted the words "the Food Standards Agency".**

**3. Regulation 3(3) shall be revoked.**

## SCHEDULE 7

### regulation 9

#### EMERGENCY CONTROL ORDERS: CONSEQUENTIAL PROVISIONS

##### PART I

#### CONSEQUENTIAL MODIFICATION TO THE FOOD (PISTACHIOS FROM IRAN) (EMERGENCY CONTROL) ORDER 1997

In article 3(3), for the words "the Minister as he may request for the purpose of his duties under section 13 of the Act" there shall be substituted the words "the Secretary of State or the Food Standards Agency, for the purpose of their duties under section 13 of the Act, as the Secretary of State or the Food Standards Agency may respectively request".

##### PART II

#### CONSEQUENTIAL MODIFICATION TO THE FOOD (PEANUTS FROM EGYPT) (EMERGENCY CONTROL) (ENGLAND AND WALES) ORDER 2000

In article 4(3), for the words "the Minister as he may request for the purpose of his duties under section 13 of the Act in connection with this Order" there shall be substituted the words "the Secretary of State or the Food Standards Agency, for the purpose of their duties under section 13 of the Act in connection with this Order as the Secretary of State or the Food Standards Agency may respectively request".

##### PART III

#### CONSEQUENTIAL MODIFICATIONS TO THE FOOD (ANIMAL PRODUCTS FROM BELGIUM) (EMERGENCY CONTROL) (ENGLAND AND WALES) ORDER 2000

1. In article 1(2), after the definition of "the Act" there shall be added the following definition -

" "the Agency" means the Food Standards Agency";

2. In articles 4(1), (2) and 5(1)(a), for the words "the Minister of Agriculture, Fisheries and Food", wherever they occur in each of those provisions, there shall be substituted the words "the Agency".

3. In article 4(3), for the words "the Minister as he may request for the purpose of his duties under section 13 of the Act in connection with the implementation of the Commission Decision in relation to food" there shall be substituted the words "the Secretary of State or the Agency, for the purpose of their duties under section 13 of the Act in connection with the implementation of the Commission Decision in relation to food, as the Secretary of State or the Agency may respectively request".

## SCHEDULE 8

### regulation 10

#### OTHER ENACTMENTS: CONSEQUENTIAL PROVISIONS

##### PART I

#### CONSEQUENTIAL MODIFICATIONS TO THE SLUDGE (USE IN AGRICULTURE) REGULATIONS 1989

In regulation 8(4) -

- (a) in paragraph (i), after the words "the Minister of Agriculture, Fisheries and Food" there shall be added the words "and the Food Standards Agency"; and
- (b) in paragraph (ii), after the words "the Secretary of State for Wales" there shall be added the words "and the Food Standards Agency".

##### PART II

#### CONSEQUENTIAL MODIFICATION TO THE ENVIRONMENTAL PROTECTION (APPLICATIONS, APPEALS AND REGISTERS) REGULATIONS 1991

In regulation 4(1), after sub-paragraph (1) there shall be added the following sub-paragraph -

" (m) the Food Standards Agency, in the case of all prescribed processes designated for central control which will be carried on in England and Wales".

##### PART III

#### CONSEQUENTIAL MODIFICATIONS TO THE WELFARE OF ANIMALS (SLAUGHTER OR KILLING) REGULATIONS 1995

1. In regulation 2(1), the following definition shall be inserted in the appropriate alphabetical position -

" "the Agency" means the Food Standards Agency;".

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

**(2) The provisions referred to in sub-paragraph (1) above are paragraphs 5(1), (4), 8, 9(1), 10 and 11(1) of Schedule 1.**

**(3) In paragraphs 5(2) and 6(2) of Schedule 1, for the words "the Minister" there shall be substituted the words "the Agency, acting on behalf of the Minister,".**

**3. In paragraph 4(1)(a) of Schedule 1, after the words "the Minister", there shall be inserted the words "or the Agency, on behalf of the Minister,".**

**4. - (1) In paragraph 5(1) of Schedule 1, for the word "he", where this relates to "the Minister", there shall be substituted the words "the Agency".**

**(2) In paragraph 5(1)(a) of Schedule 1, for the word "his", where this relates to "the Minister", there shall be substituted the words "the Agency's".**

**(3) In paragraph 9(1)(a) and (b) of Schedule 1, the words "he is", shall be deleted.**

**(4) In paragraph 10 of Schedule 1, for the words "as he may determine" there shall be substituted the words "as the Minister may determine".**

**(5) In paragraph 11(1) of Schedule 1, for the word "he", where this relates to "the Minister", there shall be substituted the words "he or the Agency".**

#### **PART IV**

##### **CONSEQUENTIAL MODIFICATIONS TO THE BOVINES AND BOVINE PRODUCTS (TRADE) REGULATIONS 1999**

**1. In regulation 2(1), after the definition of "additive" there shall be inserted the following definition -**

**" "the Agency" means the Food Standards Agency;".**

**2. In regulation 14(1), (2) and (3), after the words "the Minister", wherever they occur, there shall be inserted the words "or the Agency, on behalf of the Minister,".**

#### **PART V**

##### **CONSEQUENTIAL MODIFICATIONS TO THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER REGULATIONS 1999**

**1. In regulation 2(1) -**

**(a) after the definition of "the Act" there shall be added the following definition -**

**" "the Agency" means the Food Standards Agency;" and**

**(b) the definition of "the 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(1)(d)(i), (2), (3), (4) and (6) and paragraphs 1, 4 and 6 of Part II to Schedule 1.**

**3. In regulation 4(4), for the words "shall make such inquiry into the matter as may seem to him appropriate" there shall be substituted the words "shall make such inquiry into the matter as may seem to the Agency or the Secretary of State, as the case may be, to be appropriate".**

## SCHEDULE 9

### regulation 11

#### MONITORING OF ENFORCEMENT ACTION, ETC.: CONSEQUENTIAL PROVISIONS

**The Regulations and their provisions made under section 2(2) of the European Communities Act 1972 referred to in regulation 11 are -**

The Materials and Articles in Contact with Food Regulations 1987, S.I. 1987/1527; amended by S.I. 1994/979:	All the provisions
The Olive Oil (Marketing Standards) Regulations 1987, S.I. 1987/1783; amended by S.I. 1990/2487, 1992/2590, 1998/2410	All the provisions
The Organic Products Regulations 1992, S.I. 1992/2111; amended by S.I. 1993/405, 1994/2286 and 1997/166	All the provisions
The General Product Safety Regulations 1994, S.I. 1994/2328; amended by S.I. 1994/3142 and 3144, S.I. 1996/2756 and S.I. 1999/1820	Regulation 11
The Infant Formula and Follow-on Formula Regulations 1995, S.I. 1995/77; amended by S.I. 1997/451	Regulation 21
The Fresh Meat (Import Conditions) Regulations 1996, S.I. 1996/3125	All the provisions
The Products of Animal Origin (Import and Export) Regulations 1996, S.I. 1996/3124; amended by S.I. 1997/3023, 1998/994 and 1999/683	All the provisions
The Olive Oil (Designations of Origin) Regulations 1999, S.I. 1999/1513	All the provisions
The Feeding Stuffs (Establishment and Intermediaries) Regulations 1999, S.I. 1999/1872	All the provisions
The Feeding Stuffs (Enforcement) Regulations 1999, S.I. 1999/2325	All the provisions
The Animal Feeding Stuffs From Belgium (Control) (England and Wales) Regulations 2000, S.I. 2000/588	All the provisions

### EXPLANATORY NOTE

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

These Regulations make transitional and consequential provisions and savings in preparation for, in connection with or in consequence of the coming into force of provisions of the Food Standards Act 1999 and the operation of enactments repealed or amended by provisions of that Act. The Regulations extend to England and Wales and come into force on 1st April 2000. They transfer functions to the Food Standards Agency under legislation having effect in relation to food safety, consumer protection and animal feed, as specified in the Regulations, and also provide for continuity in relation to transferred functions.

Regulation 2 provides definitions. Regulation 3 to 8 and Schedules 1 to 6 make consequential modifications to Regulations having effect under the Food Safety Act 1990. Regulation 9 and Schedule 7 make consequential modifications to Emergency Control Orders having effect under that Act. Regulation 10 and Schedule 8 make consequential provisions to certain other enactments. Regulation 11 and Schedule 9 make consequential provisions to Regulations in relation to the monitoring by the Agency of enforcement action. Regulation 12 makes consequential provisions to instruments, as defined in regulation 2(1), and court orders and judgments. Regulation 13 makes transitional provisions and savings and regulation 14 makes transitional provisions and savings relating to powers to make Regulations under Part IV of the Agriculture Act 1970.

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*Notes:*

[1] 1999 c. 28.[back](#)

[2] 1985 c. 43. Part I of the Act was amended by section 51 of the Food Safety Act 1990 (1990 c. 16); other relevant amendments to the Act were made by paragraph 29 of Schedule 3 to that Act and S.I. 1999/1756 and 1820.[back](#)

[3] 1990 c. 16. Section 4 of the Act defines "the Minister" and "the Ministers"; the functions of "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672; and any function under the Act of the Minister of Agriculture, Fisheries and Food exercisable jointly with the Secretaries of State respectively concerned with health in England and food and health in Wales was transferred by S.I. 1999/3141 (subject to one exception as explained in that S.I.) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly. Section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40) and section 6(6) was added by paragraph 16 of Schedule 16 to that Act.[back](#)

[4] 1993 c. 12.[back](#)

[5] S.I. 1959/277; the relevant amending instruments are S.I. 1990/2486 and S.I. 1995/1086.[back](#)

[6] S.I. 1993/1520, to which there are amendments not relevant to these Regulations.[back](#)

[7] S.I. 1995/1086; the relevant amending instrument is S.I. 1996/1699.[back](#)

[8] S.I. 1995/1122.[back](#)

[9] S.I. 1995/1544; the relevant amending instrument is S.I. 1996/1725.[back](#)

- [10] S.I. 1995/1412; the relevant amending instrument is S.I. 1999/1528.[back](#)
- [11] S.I. 1999/1872.[back](#)
- [12] S.I. 1999/2325.[back](#)
- [13] S.I. 2000/588.[back](#)
- [14] S.I. 1995/1763, as amended by S.I. 1995/2148 and 3205, S.I. 1996/1699, S.I. 1997/2537, S.I. 1998/994 and S.I. 1999/1360.[back](#)
- [15] S.I. 1995/2200, as amended by S.I. 1995/3205, S.I. 1996/1499, S.I. 1998/994 and S.I. 1998/1398.[back](#)
- [16] S.I. 1998/994, to which there are amendments not relevant to these Regulations.[back](#)
- [17] S.I. 1992/2921, as amended by S.I. 1994/1029, S.I. 1995/539, 1995/540 and 1995/2148.[back](#)
- [18] S.I. 1994/3082, amended by S.I. 1995/539, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205, S.I. 1996/1499, S.I. 1999/683 and S.I. 2000/225.[back](#)
- [19] S.I. 1995/539; amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074 and S.I. 2000/225.[back](#)
- [20] S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205, S.I. 1997/1729, S.I. 2000/225.[back](#)
- [21] S.I. 1995/614, as amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073.[back](#)
- [22] S.I. 1995/2148, as amended by S.I. 1995/3205.[back](#)
- [23] S.I. 1995/3205, amended by S.I. 1996/3124 and S.I. 2000/225.[back](#)
- [24] S.I. 1996/2097, as amended by S.I. 1996/2522.[back](#)
- [25] S.I. 1997/2959, as amended by S.I. 1999/3371.[back](#)
- [26] S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 and 2431 and S.I. 1999/539.[back](#)
- [27] S.I. 1998/2095, as amended by S.I. 2000/224.[back](#)
- [28] S.I. 1999/539.[back](#)
- [29] S.I. 1984, as amended by section 52 of the Criminal Justice Act 1988 (1988 c. 33), S.I. 1990/2371 and 2486 and S.I. 1996/3124 and 3125.[back](#)
- [30] S.I. 1996/3124, as amended by S.I. 1997/3023, S.I. 1988/994, S.I. 1999/683 and S.I. 2000/225.
- [31] S.I. 1990/2490.
- [32] S.I. 1997/1335, as amended by S.I. 1999/1756 and 3182 and modified by S.I. 2000/253.
- [33] S.I. 1997/1336, as amended by S.I. 1999/1756 and modified by S.I. 2000/253.

[34] S.I. 1997/2238, as amended by S.I. 1997/3046.

[35] S.I. 2000/375.

[36] S.I. 2000/587.

[37] S.I. 1989/1263; the relevant amending instruments are S.I. 1990/880 and S.I. 1996/593.

[38] S.I. 1991/507; the relevant amending instruments are S.I. 1994/1271 and S.I. 1996/667 and 2678.

[39] S.I. 1995/731, amended by S.I. 1999/400.

[40] S.I. 1999/1103, amended by S.I. 1999/1554.

[41] S.I. 1999/1540.

[42] 1972 c. 68.

[43] OJ No. L117, 7.5.97, p.1.

[44] OJ No. L165, 24.6.97, p.7.

[45] 1970 c. 40; see also the Government of Wales Act 1978 (c. 38), Schedule 3, paragraph 5 and S.I. 1978/272, S.I. 1999/672 and 1999/3141.

[46] Under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Secretary of State under the provisions of the Food Safety Act 1990 specified in Schedule 1 to that Order, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

[47] Under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Secretary of State under the provisions of the Food Safety Act 1990 specified in Schedule 1 to that Order, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

[48] Under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Secretary of State under the provisions of the Food Safety Act 1990 specified in Schedule 1 to that Order, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

[49] Under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Secretary of State under the provisions of the Food Safety Act 1990 specified in Schedule 1 to that Order, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

[50] Under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Secretary of State under the provisions of the Food Safety Act 1990 specified in Schedule 1 to that Order, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

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