

SL(5)237 – The Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018

Background and Purpose

These Regulations make amendments in relation to Wales to a number of pieces of secondary legislation relating to food and feed.

The Regulations:

- Amend the Food Hygiene (Wales) Regulations 2006 to draw attention to the new benchmark levels on acrylamide in particular foods set out in Regulation (EU) No 2017/2158, with which businesses must seek to comply (Regulation 11);
- Amend the Fruit Juices and Fruit Nectars (Wales) Regulations 2013 to implement Commission Delegated Regulation (EU) No 1040/2014 concerning plant proteins from wheat, peas and potatoes to be used for the clarification of products to which the 2013 Regulations apply (Regulation 25); and
- Make various other miscellaneous amendments to food and feed-related statutory instruments to, among other things, correct out of date references to domestic legislation and EU instruments, revoke expired or redundant provisions and statutory instruments and correct minor errors.

Procedure

Negative.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulation 22(3), which amended Regulation 14(1) of The Materials and Articles in Contact with Food (Wales) Regulations 2012/2705, makes reference to transitional provisions contained in “Article 6” of Commission Regulation (EU) 2018/831. In fact, those transitional provisions appear in Article 2 of that Regulation.

However, this error was subsequently corrected by Regulation 4 of The Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2018/913, which came into force on 6 September 2018.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Implications arising from exiting the European Union

These Regulations amend various statutory instruments which implement and enforce EU obligations in respect of food and feed law, and therefore these Regulations will form part of retained EU law after exit day.

The Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks states that various elements of food and feed safety and hygiene law, and the controls that verify compliance with food and feed law (official controls), food compositional standards and food labelling are all policy areas likely to be subject to section 12 regulations under the EU (Withdrawal) Act 2018. Therefore, the law covered by these Regulations is likely to be an area of EU law that is frozen while common frameworks are put in place.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

10 September 2018

