
S T A T U T O R Y I N S T R U M E N T S

2005 No. []**AGRICULTURE, ENGLAND****FOOD, ENGLAND****The Official Feed and Food Controls (England)
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The Secretary of State, in exercise of the powers conferred by sections 16(1), 17(2) and 48(1) of the Food Safety Act 1990(a) and now vested in him(b), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(d), the common agricultural policy of the European Community(e) and measures in the veterinary and phytosanitary fields for the protection of public health(f), in exercise of the powers conferred on him by that section, 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(g), makes the following Regulations:

PART I

PRELIMINARY

Title, commencement, application, extent and scope

1.—(1) These Regulations —

- (a) may be cited as the Official Feed and Food Controls (England) Regulations 2005;
- (b) shall come into force on 1st January 2006; and
- (c) shall apply in relation to England only, save for regulation 7, which extends to England and Wales.

(2) These Regulations apply in relation to feed and food.

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

“the Agency” means the Food Standards Agency;

“authorised officer” —

- (a) in relation to a competent authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under the Official Control Regulations; and
- (b) in relation to a disclosure enforcement authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or

(a) 1990 c.16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.

(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 and 21 of that Schedule amend respectively sections 17(2) and 48 of the 1990 Act. Section 48 was also amended by S.I. 2004/2990. 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.

(c) 1972 c. 68.

(d) S.I. 2003/2901.

(e) S.I. 1972/1811, amended by S.I. 2002/794.

(f) S.I. 1999/2027.

(g) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

specially, to act in matters arising under Part II of these Regulations in relation to their execution and enforcement of regulation 12;

“the Commissioners” means the Commissioners of Customs and Excise;

“competent authority” means an authority which, by virtue of regulation 3, is designated for the purposes of any of the provisions of Regulation 882/2004;

“the disclosure enforcement authority” means the body which, by virtue of regulation 13, is made responsible for executing and enforcing regulation 12;

“feed authority” means the authority required by section 67(1) of the Agriculture Act 1970(a) to enforce that Act within its area or district as the case may be;

“food authority” includes neither the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and Middle Temple) nor a port health authority;

“the Official Control Regulations” means these Regulations and Regulation 882/2004;

“port health authority” means —

(c) in relation to the London port health district (within the meaning given to that phrase for the purposes of the Public Health (Control of Disease) Act 1984(b) by section 7(1) of that Act), the Common Council of the City of London; and

(d) in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act;

“premises” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft; and

“Regulation 178/2002”, “Regulation 882/2004” and “Regulation 183/2005” have the meanings respectively given to them in Schedule 1.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

(3) Any expression used both in these Regulations and in Regulation 178/2002 or Regulation 882/2004 has the meaning it bears in Regulation 178/2002 or Regulation 882/2004 as the case may be.

PART II

MAIN PROVISIONS

Competent authorities

3.—(1) The designations effected under this regulation for the purposes of Regulation 882/2004 do not constitute designations in so far as Regulation 882/2004 applies in relation to —

(a) feed additives in the categories mentioned in Article 6(1)(d) and (e) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(c) with the exception of those belonging to the functional group listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation, and

(b) medicated feedingstuffs as defined in Article 1(6) of Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products(d) as amended by Directive 2004/28/EC of the European Parliament and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products(e).

(a) 1970 c. 40.

(b) 1984 c. 22.

(c) OJ No. L268, 18.10.2003, p.29.

(d) OJ No. L311, 28.11.2001, p.1.

(e) OJ No. L136, 30.4.2004, p.58.

(2) Subject to paragraphs (3) to (6), any body specified in column 2 of Schedule 2 is designated as a competent authority for the purposes of the provisions of Regulation 882/2004 indicated in the corresponding entry in column 3 of that Schedule in so far as those provisions apply in relation to feed.

(3) Where the feed authority is designated as a competent authority pursuant to paragraph (2) the designation shall extend to its area or district only as the case may be.

(4) Where the Commissioners are designated as a competent authority pursuant to paragraph (2) for the purposes of Article 16(1) of Regulation 882/2004, the designation shall extend to documentary checks only.

(5) Where the Agency and the Secretary of State are designated as competent authorities pursuant to paragraph (2), the designation shall extend —

- (a) in the case of the Agency, in relation to feed other than in the areas specified in paragraph (6); and
- (b) in the case of the Secretary of State, in relation to feed in the areas specified in paragraph (6).

(6) The areas are —

- (a) [pesticide residues in feed];
- (b) [veterinary medicine residues in feed]; and
- (c) [Secretary of State responsibilities in relation to TSEs and feed].

(7) Subject to paragraphs (8) to (12), any body specified in column 2 of Schedule 3 is designated as a competent authority for the purposes of the provisions of Regulation 882/2004 indicated in the corresponding entry in column 3 of that Schedule in so far as those provisions apply in relation to food.

(8) Where the port health authority or the food authority is designated as a competent authority pursuant to paragraph (7) the designation shall extend —

- (a) in the case of the port health authority, to its district only; and
- (b) in the case of the food authority, to its area only.

(9) Where the Commissioners are designated as a competent authority pursuant to paragraph (7) for the purposes of Article 16(1) of Regulation 882/2004, the designation shall extend to documentary checks only.

(10) Where the Agency is designated as a competent authority pursuant to paragraph (7) for the purposes of Article 31(2) of Regulation 882/2004, the designation shall extend, as regards Article 31(2)(a) to (e), to those establishments and activities in respect of which the Agency executes and enforces the Food Hygiene (England) Regulations 2005(a) by virtue of regulation 5(2) of those Regulations.

(11) Where the Agency and the Secretary of State are designated as competent authorities pursuant to paragraph (7), the designation shall extend —

- (a) in the case of the Agency, in relation to food other than in the areas specified in paragraph (12); and
- (b) in the case of the Secretary of State, in relation to food in the areas specified in paragraph (12).

(12) The areas are —

- (a) [pesticide residues in food];
- (b) [veterinary medicine residues in food];
- (c) [Secretary of State responsibilities in relation to TSEs and food];

(a) S.I. 2005[].

- (d) [Article 14 of Regulation 882/2004 and Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries];
- (e) [protected name schemes for agricultural products and foodstuffs];
- (f) [standards for organic products]; and
- (g) [beef labelling].

(13) The Commissioners are the customs services for the purposes of Article 24 of Regulation 882/2004.

Exchanging information

4.—(1) For the purposes of fulfilling the obligations placed upon competent authorities, other OFFC competent authorities and Member States by Regulation 882/2004 competent authorities may exchange among themselves or provide to other OFFC competent authorities any information received by them in the execution or enforcement of feed or food law.

(2) For the purpose of executing or enforcing feed or food law, competent authorities may exchange among themselves any information received by them in the execution or enforcement of feed or food law.

(3) Competent authorities may share information received by them in the execution or enforcement of feed or food law with the bodies which execute and enforce feed or food law in Wales, Northern Ireland and Scotland for the purposes of facilitating the execution or enforcement of feed or food law in those countries.

(4) Paragraphs (1), (2) and (3) are without prejudice to any other power of competent authorities to disclose information.

(5) For the purposes of this regulation, “other OFFC competent authorities” means authorities designated in the United Kingdom as competent authorities for the purposes of Regulation 882/2004 other than the competent authorities designated under these Regulations.

Obtaining information

5.—(1) For the purpose of fulfilling the obligations placed on competent authorities and Member States by Regulation 882/2004 and for the purpose of executing or enforcing feed or food law, a competent authority may require a control body —

- (a) to provide the competent authority with any information which it has reasonable cause to believe the control body is able to give; or
- (b) to make available to the competent authority for inspection by it any records which it has reasonable cause to believe are held by the control body or are otherwise within its control (and if they are kept in computerised form) to make them available in a legible form.

(2) The competent authority may copy any records made available to it under paragraph (1)(b).

(3) For the purposes of paragraph (1), the term “control body” includes any member, officer or employee of a control body.

Power to issue codes of practice

6.—(1) For the guidance of feed authorities, food authorities and port health authorities, the Secretary of State may issue codes of recommended practice as regards —

- (a) functions conferred upon those authorities in their capacity as competent authorities by or under Regulation 882/2004; or
- (b) the execution and enforcement of Part III of these Regulations,

and any such code shall be laid before Parliament after being issued.

(2) The Agency may, after consulting the Secretary of State, give a feed authority, food authority or port health authority a direction requiring them to take any specified steps in order to comply with a code issued under this regulation.

(3) In exercise of the functions conferred on them as competent authorities by or under Regulation 882/2004, every feed authority, food authority or port health authority —

- (a) shall have regard to any relevant provision of any such code; and
- (b) shall comply with any direction which is given under this regulation and requires them to take any specified steps in order to comply with such a code.

(4) Any direction under paragraph (2) shall, on the application of the Agency, be enforceable by mandamus.

(5) The Agency shall consult the Secretary of State before making an application under paragraph (4).

(6) Before issuing any code under this regulation, the Secretary of State shall have regard to any relevant advice given by the Agency.

Amendment of the Food Standards Act 1999

7.—(1) The Food Standards Act 1999(a) shall be amended in accordance with paragraph (2) in so far as it applies in relation to England.

(2) In section 15 (meaning of “enforcement authority” and related expressions) —

(a) in subsection (1) there shall be inserted before the words “In sections 12 to 14” the words “Except in relation to England,”;

(b) after subsection (1) there shall be inserted the following subsection —

“(1A) In relation to England, in this section and in sections 12 to 14 “relevant legislation” means —

(a) “feed law” as defined in Regulation 882/2004; and

(b) “food law” as defined in Regulation 178/2002.”;

(c) in subsection (2) there shall be inserted before the words “In those sections” the words “Except in relation to England,”;

(d) after subsection (2) there shall be inserted the following subsection —

“(2A) In relation to England, in those sections “enforcement authority” means the authority by whom relevant legislation is to be enforced and includes a Minister of the Crown or the Agency itself if that authority is the enforcement authority in relation to that legislation, but does not include the European Commission; and “enforcement” in relation to relevant legislation includes the execution of any provision of that legislation.”; and

(e) immediately after subsection (3) there shall be added the following subsection —

“(4) In this section —

“Regulation 178/2002” means 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 as last amended by Regulation (EC) No. 1642/2003; and

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.”.

(a) 1999 c. 28; section 29(4) was amended by S.I. 2002/794.

Right of appeal

8.—(1) Any person who is aggrieved by a decision of the competent authority taken in respect of an establishment subject to approval under Article 4(2) of Regulation 853/2004 or Article 11 of Regulation 183/2005 pursuant to —

- (a) Article 31(2)(c) of Regulation 882/2004 (approval);
- (b) Article 31(2)(d) of Regulation 882/2004 (conditional approval and full approval); or
- (c) Article 31(2)(e) of Regulation 882/2004 (withdrawal of approval and suspension of approval),

may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980(a) shall apply to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought shall be one month from the date on which notice of the decision was served on the person desiring to appeal and the making of a complaint for an order shall be deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) Where on an appeal under paragraph (1) a magistrates' court determines that the decision of the competent authority is incorrect, the authority shall give effect to the determination of the court.

(5) Where an approval is withdrawn, the food business operator or feed business operator who, immediately before such withdrawal, had been using the establishment concerned may continue to use it, subject to any conditions imposed by the competent authority for the protection of public health, unless —

- (a) the time for appealing against the decision to withdraw the approval has expired without an appeal having been lodged; and
- (b) where an appeal against that decision has been lodged, the appeal has been finally disposed of or abandoned.

(6) Nothing in paragraph (5) shall permit an establishment to be used for a food business if —

- (a) a hygiene prohibition order, a hygiene emergency prohibition notice or a hygiene emergency prohibition order has been imposed in relation to the establishment;
- (b) a prohibition order, an emergency prohibition notice, an emergency prohibition order or an emergency control order has been imposed in relation to the establishment pursuant to section 11, 12 or 13 of the Act;
- (c) the approval of the establishment has been suspended pursuant to Article 31(2)(e) of Regulation 882/2004; or
- (d) the establishment is prevented from operating following the service of a remedial action notice.

(7) Nothing in paragraph (5) shall permit an establishment to be used for a feed business if —

- (a) a feed business prohibition order, a feed business emergency prohibition notice or a feed business emergency prohibition order has been imposed in relation to the establishment; or
- (b) the approval of the establishment has been suspended pursuant to Article 31(2)(e) of Regulation 882/2004.

(8) In this Regulation —

- (a) each of the terms “hygiene prohibition order”, “hygiene emergency prohibition notice”, “hygiene emergency prohibition order” and “remedial action notice” has the same meaning as it has in the Food Hygiene (England) Regulations 2005; and

(a) 1980 c. 43.

- (b) each of the terms “feed business prohibition order”, “feed business emergency prohibition notice” and “feed business emergency prohibition order” has the same meaning as it has in the Feed (Hygiene and Enforcement) (England) Regulations 2005(a).

Appeals to Crown Court

9. A person who is aggrieved by the dismissal by a magistrates’ court of an appeal to it under regulation 8(1) may appeal to the Crown Court.

Staff of competent authority of another Member State

10. An authorised officer of a competent authority may take with him the staff of the competent authority of another Member State for the purpose of conducting an administrative enquiry under Article 36 of Regulation 882/2004.

Commission experts

11.—(1) When an enforcing officer enters premises for the purposes of executing and enforcing official controls he may take with him a Commission expert to enable that expert to carry out functions under Article 45 of Regulation 882/2004.

(2) In this Regulation “enforcing officer” means an authorised officer of any authority which is responsible for executing and enforcing official controls for the verification of compliance with feed and food law.

Prohibition on disclosure of trade secrets

12. If a person enters any premises by virtue of regulation 10 or 11 and discloses to any person any information obtained on the premises with regard to any trade secret he is, unless the disclosure is made in the performance of his duty, guilty of an offence.

Execution and enforcement of regulation 12

13. The authority responsible for executing and enforcing regulation 12 shall be the authority whose officer took the person who made the disclosure on to the premises concerned.

Powers of entry

14.—(1) An authorised officer of a disclosure enforcement authority other than the Secretary of State, the Agency or the Commissioners shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours —

- (a) to enter any premises within the authority’s area or as the case may be district for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Part of the Regulations; and
- (b) to enter any premises, whether within or outside the authority’s area or as the case may be district, for the purpose of ascertaining whether there is on the premises any evidence of any such contravention within that area or district,

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours’ notice of the intended entry has been given to the occupier.

(2) An authorised officer of the Secretary of State, the Agency or the Commissioners shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of —

- (a) ascertaining whether there is or has been on the premises any contravention of the provisions of this Part of the Regulations; and

(a) S.I. 2005/[].

(b) ascertaining whether there is on the premises any evidence of any such contravention, but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry onto any premises for any such purpose as is mentioned in paragraph (1) or (2) and either —

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant signed by him authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this regulation shall continue in force for a period of one month.

(5) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may inspect any records (in whatever form they are held) and, where any such records are stored in any electronic form —

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
- (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(7) Any officer exercising any power conferred by paragraph (6) may —

- (a) seize and detain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Part of the Regulations; and
- (b) where the records are stored in any electronic form, require the records to be produced in a form in which they may be taken away.

(8) If any person who enters any premises by virtue of this regulation, or of a warrant issued under it, discloses to any person any information obtained by him on the premises with regard to any trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(9) Nothing in this regulation authorises any person, except with the permission of the local authority under the Animal Health Act 1981(a), to enter any premises —

- (a) on which an animal or bird affected with any disease to which that Act applies is kept; and
- (b) which is situated in a place declared under that Act to be infected with such a disease.

Obstruction etc. of officers

15.—(1) Any person who —

- (a) intentionally obstructs any person acting in the execution of this Part of the Regulations; or

(a) 1981 c. 22.

- (b) without reasonable cause, fails to give to any person acting in the execution of this Part of the Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under this Part of the Regulations,

shall be guilty of an offence.

(2) Any person who, in purported compliance with any such requirement as is mentioned in paragraph (1)(b)—

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(3) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences and penalties

16.—(1) Subject to paragraph (2), a person guilty of an offence under this Part of the Regulations shall be liable —

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(2) A person guilty of an offence under regulation 15 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

Time limit for prosecutions

17. No prosecution for an offence under this Part of the Regulations which is punishable under regulation 16(1) shall be begun after the expiry of —

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

PART III

OFFICIAL CONTROLS ON FEED AND FOOD OF NON-ANIMAL ORIGIN FROM THIRD COUNTRIES

Interpretation of this Part of the Regulations

18. In this Part of the Regulations —

“authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under the Import Provisions;

“the designated point of entry” for a product is a point of entry specified in column 3 of Schedule 4 which corresponds with the entry for the product in column 2 of that Schedule;

“enforcement authority” means the food enforcement authority or the feed enforcement authority;

“feed enforcement authority” means the body which by virtue of regulation 19 is responsible for enforcing and executing the Import Provisions in relation to feed;

“food enforcement authority” means the body which by virtue of regulation 20 is responsible for enforcing and executing the Import Provisions in relation to food;

“the Import Provisions” means this Part of these Regulations and Articles 15 to 24 of Regulation 882/2004;

“non-conforming specified product” means a specified product which does not comply with the conditions laid down for import of that product in any Community instrument listed in Schedule 5;

“operator” means, in relation to a designated point of entry, the person who provides premises and other facilities for the carrying out of checks at that designated point of entry;

“outside England enforcement authority” means the body responsible for enforcing the legislation in force with respect to imported products in any part of the United Kingdom except England;

“product” means feed or food whose import is regulated by Article 15 of Regulation 882/2004 (feed and food of non-animal origin not included in the scope of Directive 97/78/EC) and includes those composite food products listed in the Annex to Commission Decision 2002/349/EC laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC^(a) which include only a limited percentage of products of animal origin and which are thereby excluded from the provisions of Directive 98/78/EC by Article 3(1) of that Decision;

“the relevant territories” means the territories referred to in Annex I to Regulation 882/2004;

“required document” means any original document required in relation to a product by virtue of any Community instrument listed in Schedule 5; and

“specified product” means a product which is subject to an official control set out in any Community instrument listed in Schedule 5.

Feed enforcement responsibilities

19.—(1) Subject to paragraph (2), it shall be the responsibility of the feed authority to enforce and execute the Import Provisions in its area or district as the case may be in relation to feed.

(2) The Commissioners shall enforce and execute the Import Provisions in relation to the undertaking of documentary checks pursuant to Article 16 of Regulation 882/2004 and shall carry out the functions given to customs services under Article 24 of Regulation 882/2004, in each case in relation to feed.

Food enforcement responsibilities

20.—(1) Subject to paragraphs (2) and (3), it shall be the duty of each port health authority to execute and enforce the Import Provisions in its district in relation to food.

(2) Subject to paragraph (3), in relation to any place which is not situated in the district of a port health authority, the Import Provisions shall be executed and enforced in relation to food by the food authority for the area in which that place is situated.

(3) The Commissioners shall enforce and execute the Import Provisions in relation to the undertaking of documentary checks pursuant to Article 16 of Regulation 882/2004 and shall carry out the functions given to customs services under Article 24 of Regulation 882/2004, in each case in relation to food.

Deferred enforcement and execution

21.—(1) Where —

- (a) a product from a third country has entered England;
- (b) customs examination of that product has been completed or has been deferred until it reaches its place of destination elsewhere in the United Kingdom;

^(a) OJ No. L121, 8.5.2002, p.6.

- (c) an authorised officer of the enforcement authority for the place of entry has on reasonable grounds issued an authorisation confirming that —
 - (i) examination of the product for the purposes of the Import Provisions should be deferred until the product arrives at its destination elsewhere in England, or
 - (ii) such examination should take place when the product arrives at its destination elsewhere in the United Kingdom under legislation with respect to imported products in force there; and
- (d) a person importing the product gives that authorised officer an undertaking in writing specifying the destination of that product and confirms that the container containing the product has been sealed and will not be opened until it reaches that destination and will be available there for examination under the Import Provisions or, as the case may be, legislation with respect to imported products in force elsewhere in the United Kingdom,

the enforcement authority for the place in which the destination is located, if in England, shall become responsible for enforcing and executing the Import Provisions with respect to that product once it arrives there.

(2) Where an authorised officer of an enforcement authority issues an authorisation pursuant to paragraph (1)(c), he shall —

- (a) (if the product's place of destination is within England) notify the enforcement authority for that place or (if the product's place of destination is in any other part of the United Kingdom) notify the outside England enforcement authority —
 - (i) that the product (so described as to enable it to be identified) has not been examined under the Import Provisions, and
 - (ii) if customs examination of the product has been deferred, of that fact; and
- (b) send the relevant authority a copy of any undertaking given pursuant to paragraph (1)(d).

(3) Where a product has been sent to a destination in England from another part of the British Islands and examination of that product has been deferred under legislation with respect to imported products in force there, the enforcement authority for the place of destination shall become responsible for enforcing and executing the Import Provisions with respect to that product once it arrives in England.

(4) A person who breaches an undertaking given under paragraph 1(d) shall be guilty of an offence.

(5) For the purposes of paragraph (1)(c), the term “enforcement authority” does not include the Commissioners.

Prohibition on introduction of products not complying with Regulation 178/2002

22.—(1) No person shall —

- (a) introduce into England from a third country a product which contravenes or fails to comply with the legislation referred to in paragraph (2); or
- (b) introduce into England from elsewhere in the relevant territories a product originating in a third country which contravenes or fails to comply with the legislation referred to in paragraph (2).

(2) The legislation is —

- (a) Article 11 of Regulation 178/2002 (food and feed imported into the Community); and
- (b) the implementing rules referred to in Article 61(2) of Regulation 882/2004.

Suspension of designated points of entry

23.—(1) If the Agency or the Secretary of State is satisfied that the continued operation of a designated point of entry presents a serious risk to public or animal health it or he shall serve on the operator of the designated point of entry concerned a written notice stating that the status of

the designated point of entry for the purposes of these Regulations is suspended either for all specified products or for certain specified products.

(2) Upon service of a notice pursuant to paragraph (1) the premises shall cease to be a designated point of entry in respect of the products identified in the notice, notwithstanding that the premises are still designated for those products in Schedule 4.

(3) A notice served pursuant to paragraph (1) shall be withdrawn by a further notice in writing served by the Agency or the Secretary of State, as the case may be, on the operator when satisfied that the designated point of entry concerned can operate without presenting a serious risk to public or animal health in respect of the products identified in the notice.

(4) When a notice is served in respect of premises pursuant to paragraph (3), the consequences of serving a notice pursuant to paragraph (1) specified in paragraph (2) shall no longer apply.

Prohibition on introduction of specified products except at a designated point of entry

24. No person shall introduce a specified product into England from a third country except at a designated point of entry.

Prohibition on introduction of non-conforming specified products

25. No person shall introduce a non-conforming specified product into England from a third country or introduce a non-conforming specified product originating in a third country into England from elsewhere in the relevant territories.

Prior notification of specified products

26.—(1) No person shall introduce a specified product into England unless the feed or food business operator responsible for the consignment has given prior notification of the arrival and the nature of the consignment to the enforcement authority for the designated point of entry at which that consignment will arrive in a notice which complies with paragraph (2).

(2) The notice —

- (a) shall be in English; and
- (b) may be supplied in electronic form.

Presentation of specified products

27. Any person responsible for a specified product which is introduced into England from a third country shall present the product and any required documents, or ensure that the same are presented as soon as is practicable, to an authorised officer of the enforcement authority for the designated point of entry for the product.

Checks on products

28.—(1) The person responsible for introducing any product into England shall permit an authorised officer of an enforcement authority to carry out checks in relation to the product pursuant to Article 16 of Regulation 882/2004.

(2) When an authorised officer is carrying checks in relation to a product pursuant to Article 16 of Regulation 882/2004, the person introducing the product shall provide the facilities and assistance which the authorised officer reasonably requires to carry them out.

(3) When an authorised officer of an enforcement authority is carrying out a physical check on a product in accordance with Article 16 he shall be entitled to require that the check takes place at a specified place.

Detention, destruction, special treatment, re-dispatch and other appropriate measures and costs

29.—(1) An enforcement authority shall have the power to do anything that a competent authority may do under Articles 18 to 21 and 24(3) of Regulation 882/2004 if the conditions set out in those Articles are fulfilled.

(2) The enforcement authority shall be the competent authority for the purposes of Article 22 of Regulation 882/2004.

Decisions pursuant to Article 19 of Regulation 882/2004

30.—(1) If an authorised officer of an enforcement authority wishes to take any of the measures referred to in Article 19(1)(a) and (b) of Regulation 882/2004 in respect of feed or food he shall serve a notice to that effect on the feed or food business operator, as the case may be, responsible for it after he has heard that feed or food business operator as provided in Article 19.

(2) If an authorised officer of an enforcement authority wishes to exercise any of the powers referred to in Article 19(2) of Regulation 882/2004 in respect of feed or food he shall serve a notice to that effect on the feed or food business operator, as the case may be, responsible for it.

Right of appeal

31.—(1) Any person who is aggrieved by —

- (a) a decision of the Agency or the Secretary of State to serve a notice under regulation 23(1); or
- (b) a decision of an authorised officer of an enforcement authority to serve a notice under regulation 30,

may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 shall apply to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought shall be one month from the date on which the notice was served on the person desiring to appeal and the making of a complaint for an order shall be deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) Where on an appeal under paragraph (1) a magistrates' court determines that the decision of the Agency, the Secretary of State or the authorised officer of the enforcement authority is incorrect, the authority shall give effect to the determination of the court.

Appeals to Crown Court

32. A person who is aggrieved by the dismissal by a magistrates' court of an appeal to it under regulation 31(1) may appeal to the Crown Court.

Serious risk to animal or public health

33.—(1) Where the Secretary of State or the Agency learns of, or has reasonable grounds to suspect, that food or feed introduced from a third country is likely to constitute a serious risk to animal or public health, he or it may by written declaration suspend, or impose conditions on, the introduction into England of any product from the whole or any part of that third country.

(2) Such a declaration shall be in writing and shall be published in such manner as the Secretary of State or the Agency, as the case may be, thinks fit and shall specify the products and the third country or part thereof concerned.

(3) A declaration which imposes conditions on the introduction of any product from a third country or part thereof shall specify those conditions.

(4) Where a declaration is in force suspending the introduction of any product, no person shall introduce that product into England if it originates in the third country or part thereof specified in the declaration.

(5) Where a declaration is in force imposing conditions on the introduction of any product, no person shall introduce that product into England if it originates in the third country or part thereof specified in the declaration unless the product complies with conditions specified in the declaration.

(6) A declaration may be modified, suspended or revoked by a further written declaration published, so far as is practicable, in the same manner and to the same extent as the original declaration.

Liability for charges

34.—(1) The enforcement authority shall notify the person responsible for a consignment of the charge falling to be paid for the controls carried out in it.

(2) Any charge notified to a person by the enforcement authority under paragraph (1) shall be payable by that person to the enforcement authority on demand.

(3) The charge referred to in paragraph (1) is —

- (a) any charge calculated on the basis of fees established by any Community instrument listed in Schedule 5; or
- (b) any charge for the costs incurred by the enforcement authority acting as the competent authority for the purposes of Article 22 of Regulation 882/2004 by virtue of regulation 29(2).

Procurement by authorised officers of samples with regard to food

35. An authorised officer of an enforcement authority may —

- (a) purchase a sample of any food, or any substance capable of being used in the preparation of food;
- (b) take a sample of any food, or any such substance, which —
 - (i) appears to him to be intended for placing on the market or to have been placed on the market, for human consumption, or
 - (ii) is found by him or in any premises which he is authorised to enter by or under regulation 37;
- (c) take a sample from any food source, or a sample of any contact material, which is found by him on or in any such premises; and
- (d) take a sample of any article or substance which is found by him on or in any such premises and which he has reason to believe may be required as evidence in proceedings under any of the provisions of the Import Provisions.

Analysis etc. of samples

36.—(1) An authorised officer of an enforcement authority who has procured a sample under regulation 35 shall —

- (a) if he considers that the sample should be analysed, submit it to be analysed by a public analyst;
- (b) if he considers that the sample should be examined, submit it to be examined by a food examiner.

(2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it —

- (a) to be analysed by the public analyst for the area in which the purchase was made; or
- (b) to be examined by a food examiner.

(3) If, in any case where a sample is proposed to be submitted for analysis under this regulation, the office of public analyst for the area in question is vacant, the sample shall be submitted to the public analyst for some other area.

(4) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this regulation, the food analyst or examiner determines that he is for any reason unable to perform the analysis or examination, the sample shall be submitted or, as the case may be, sent by him to such other food analyst or examiner as he may determine.

(5) A food analyst or examiner shall analyse or examine as soon as practicable any sample submitted or sent to him under this regulation, but may, except where —

- (a) he is the public analyst for the area in question; and
- (b) the sample is submitted to him for analysis by an authorised officer of an enforcement authority,

demand in advance the payment of such reasonable fee as he may require.

(6) Any food analyst or examiner who has analysed or examined a sample shall give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.

(7) Any certificate given by a food analyst or examiner under paragraph (6) shall be signed by him, but the analysis or examination may be made by any person acting under his direction.

(8) In any proceedings under the Import Provisions, the production by one of the parties —

- (a) of a document purporting to be a certificate given by a food analyst or examiner under paragraph (6); or
- (b) of a document supplied to him by the other party as being a copy of such a certificate,

shall be sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a), the other party requires that the food analyst or examiner shall be called as a witness.

(9) In this regulation where two or more public analysts are appointed for any area, any reference in the Import Provisions to the public analyst for that area shall be construed as a reference to either or any of them.

Powers of entry of authorised officers of a food enforcement authority

37.—(1) An authorised officer of a food enforcement authority other than the Commissioners shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours —

- (a) to enter any premises within the authority's area or as the case may be district for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of the Import Provisions in relation to food;
- (b) to enter any premises, whether within or outside the authority's area or as the case may be district, for the purpose of ascertaining whether there is on the premises any evidence of any such contravention within that area or district; and
- (c) to enter any premises for the purpose of the performance by the authority of their functions under the Import Provisions,

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(2) An authorised officer of the Commissioners shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of —

- (a) ascertaining whether there is or has been on the premises any contravention of the provisions of the Import Provisions in relation to food;
- (b) ascertaining whether there is on the premises any evidence of any such contravention; and
- (c) the performance by the Commissioners of their functions under the Import Provisions,

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry onto any premises for any such purpose as is mentioned in paragraph (1) or (2) and either —

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant signed by him authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this regulation shall continue in force for a period of one month.

(5) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are stored in any electronic form —

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
- (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(7) Any officer exercising any power conferred by paragraph (6) may —

- (a) seize and detain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of the Import Provisions; and
- (b) where the records are stored in any electronic form, require the records to be produced in a form in which they may be taken away.

(8) If any person who enters any premises by virtue of this regulation, or of a warrant issued under it, discloses to any person any information obtained by him on the premises with regard to any trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(9) Nothing in this regulation authorises any person, except with the permission of the local authority under the Animal Health Act 1981, to enter any premises —

- (a) on which an animal or bird affected with any disease to which that Act applies is kept; and
- (b) which is situated in a place declared under that Act to be infected with such a disease.

Obstruction etc. of officers

38.—(1) Any person who —

- (a) intentionally obstructs any person acting in the execution of the Import Provisions; or
- (b) without reasonable cause, fails to give to any person acting in the execution of the Import Provisions any assistance or information which that person may reasonably require of him for the performance of his functions under the Import Provisions,

shall be guilty of an offence.

(2) Any person who, in purported compliance with any such requirement as is mentioned in paragraph (1)(b)—

(a) furnishes information which he knows to be false or misleading in a material particular; or

(b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(3) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences and penalties

39.—(1) Any person who —

(a) contravenes or fails to comply with regulation 22, 24, 25, 26, 27 or 33(4) or (5); or

(b) fails to comply with a notice served upon him under the Import Provisions,

shall be guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under the Import Provisions shall be liable —

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 38 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

Time limit for prosecutions

40. No prosecution for an offence under the Import Provisions which is punishable under regulation 39(2) shall be begun after the expiry of —

(a) three years from the commission of the offence; or

(b) one year from its discovery by the prosecutor,

whichever is the earlier.

PART IV

AMENDMENTS TO THE GENERAL FOOD REGULATIONS 2004

Amendments to the General Food Regulations 2004

41.—(1) The General Food Regulations 2004(a) shall be amended in accordance with paragraphs (2) to (5) in so far as they apply in relation to England.

(2) For regulation 4 (requirements under Regulation (EC) No. 178/2002 : offences) there shall be substituted the following Regulation —

“**4.** Any person who contravenes or fails to comply with any of the following provisions of Regulation (EC) No. 178/2002 shall be guilty of an offence —

(a) Article 12 (food and feed exported from the Community) in so far as it relates to food;

(b) Article 14(1) (food safety requirements);

(a) S.I. 2004/3279.

- (c) Article 16 (presentation) in so far as it relates to food;
- (d) Article 18(2) or (3) (traceability) in so far as it relates to food business operators;
- (e) Article 19 (responsibilities for food : food business operators).”.

(3) For sub-paragraph (a) of paragraph (2) of regulation 5 (punishment of offences) there shall be substituted the following sub-paragraph —

“(a) in the case of an offence under regulation 4(b), £20,000;”.

(4) For paragraph (1) of regulation 6 (enforcement) there shall be substituted the following paragraph —

“(1) Subject to paragraph (2), each food authority shall enforce and execute the following provisions of Regulation (EC) No. 178/2002 and these Regulations in its area —

- (a) Article 12 in so far as it relates to food;
- (b) Article 14;
- (c) Article 16 in so far as it relates to food;
- (d) Article 18 in so far as it relates to food business operators; and
- (e) Article 19.”.

(5) After regulation 6 (enforcement) there shall be inserted the following regulation —

“Defence for exports

6A. In any proceedings for an offence of contravening or failing to comply with food law it shall be a defence for the accused to prove that —

- (a) the item in respect of which the offence is alleged to have been committed was intended for export to a country that is not a member State and that the item could lawfully be exported there under Article 12 of Regulation (EC) No. 178/2002; or
- (b) the item in respect of which the offence is alleged to have been committed was intended for export to a member State and that —
 - (i) the legislation applicable to that item in that member State is compatible with the relevant provisions of food law, and
 - (ii) the item complies with that legislation.”.

PART V

ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

Offences due to fault of another person

42. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Defence of due diligence

43.—(1) In any proceedings for an offence under these Regulations, it shall, subject to paragraph (2), be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the accused shall not, without leave of the court, be entitled to rely on that defence unless —

- (a) at least seven clear days before the hearing; and
- (b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Offences by bodies corporate

44.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of —

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In paragraph (1)(a) “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Offences by Scottish partnerships

45. Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he, as well as the partnership shall be deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.

Protection of officers acting in good faith

46.—(1) An officer of a competent authority is not personally liable in respect of any act done by him —

- (a) in the execution or purported execution of these Regulations; and
- (b) within the scope of his employment,

if he did that act in the honest belief that his duty under these Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) shall be construed as relieving any competent authority of any liability in respect of the acts of their officers.

(3) Where an action has been brought against an officer of a competent authority in respect of an act done by him —

- (a) in the execution or purported execution of these Regulations; but
- (b) outside the scope of his employment,

the authority may indemnify him against the whole or a part of any damages which he has been ordered to pay or any costs which he may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment.

(4) A public analyst appointed by a food authority shall be treated for the purposes of this regulation as being an officer of the authority, whether or not his appointment is a whole-time one.

Service of documents

47.—(1) Any document which is required or authorised under these Regulations to be served on a person may be served —

- (a) by delivering it to that person;
- (b) in the case of an incorporated company or body, by delivering it to their secretary at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office; or
- (c) in the case of any other person, by leaving it or sending it in a prepaid letter addressed to him at his usual or last known residence.

(2) Where a document is to be served on the occupier of any premises under these Regulations and it is not reasonably practicable to ascertain the name and address of the person on whom it should be served, or the premises are unoccupied, the document may be served by addressing it to the person concerned in the capacity of “occupier” of the premises (naming them), and —

- (a) by delivering it to some other person at the premises; and
- (b) if there is no other person at the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

Revocations

48.—(1) In so far as they apply in relation to England, the instruments specified in column 1 of Part I of Schedule 6 are revoked to the extent specified in column 3 of that Part.

(2) The instruments specified in column 1 of Part II of Schedule 6 are revoked to the extent specified in column 3 of that Part.

Signed by authority of the Secretary of State for Health

2005

Parliamentary Under Secretary of State,
Department of Health

SCHEDULES

SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

“Regulation 178/2002” means 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^(a) as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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^(b);

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules^(c); and

“Regulation 183/2005” means Regulation (EC) No. 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene^(d).

^(a) OJ No. L31, 1.2.2002, p.1.

^(b) OJ No. L245, 29.9.2003, p.4.

^(c) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

^(d) OJ No. L35, 8.2.2005, p.1.

SCHEDULE 2

Regulation 3(2)

COMPETENT AUTHORITIES IN RELATION TO FEED

<i>Column 1 Item</i>	<i>Column 2 Competent authority</i>	<i>Column 3 Provisions of Regulation 882/2004</i>
1.	The Agency, the feed authority and the Commissioners	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 15(1) to (4), 16(2), 18, 19(1) and (2), 24, 30(2), 34, 35(3), 36, 37(1), 38, 39 and 40(2) and (4)
2.	The Agency and the Secretary of State	Articles 12, 19(3), 35(4) and 52(1)
3.	The Agency, the Secretary of State, the feed authority and the Commissioners	Article 16(1) and 54
4.	The feed authority	Articles 20, 21, 22 and 31(1) and (2)(a) to (e)
5.	The Agency and the feed authority	Article 31(2)(f)

SCHEDULE 3

Regulation 3(7)

COMPETENT AUTHORITIES IN RELATION TO FOOD

<i>Column 1 Item</i>	<i>Column 2 Competent authority</i>	<i>Column 3 Provisions of Regulation 882/2004</i>
1.	The Agency, the Secretary of State, the port health authority, the food authority and the Commissioners	Articles 3(6), 4(2) to (6), 5(1) to (3), 6, 7, 8(1) and (3), 9, 10, 11(1) to (3) and (5) to (7), 15(1) to (4), 16(1) and (2), 18, 19(1) and (2), 24, 30(2), 34, 35(3), 36, 37(1), 38, 39, 40(2) and (4) and 54
2.	The Agency and the Secretary of State	Articles 12, 19(3), 35(4) and 52(1)
3.	The port health authority and the food authority	Articles 20, 21, 22 and 31(1)
4.	The Agency, the port health authority and the food authority	Article 31(2)

SCHEDULE 4

Regulation 18 and 23(2)

DESIGNATED POINTS OF ENTRY

<i>Column 1 Item</i>	<i>Column 2 Product</i>	<i>Column 3 Point of entry</i>

SCHEDULE 5

Regulations 18 and 34(3)

EC LEGISLATION APPLYING TO SPECIFIED PRODUCTS

1. [Regulation / Directive / Decision]

SCHEDULE 6

Regulation 48

REVOCATIONS

PART I

<i>Column 1 Instruments</i>	<i>Column 2 Reference</i>	<i>Column 3 Extent of revocation</i>
The Imported Food Regulations 1984	S.I. 1984/1918	The whole Regulations
The Imported Food Regulations 1997	S.I. 1997/2537	The whole Regulations
[The Colours in Food Regulations 1995]	[S.I. 1995/3124]	[Regulation 10]

PART II

<i>Column 1 Instruments</i>	<i>Column 2 Reference</i>	<i>Column 3 Extent of revocation</i>
[The Jam and Similar Products (England) Regulations 2003]	[S.I. 2003/3120]	[Regulation 8]

[Other Statutory Instruments containing similar provisions to regulation 10 of the Colours in Food Regulations 1995 and regulation 8 of the Jam and Similar Products (England) Regulations 2003 will be included in this Schedule and these provisions will be revoked.]

EXPLANATORY NOTE

(This note is not part of the Regulations)