

Explanatory Memorandum to the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) (Amendment) Regulations 2009

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

These Regulations correct an error in the Welsh text of The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009.

Matters of special interest to the Subordinate Legislation Committee

In May 2009, the Food Standards Agency Wales received advice from the Assembly's Directorate of Legal Services that it was reported by the Subordinate Legislation Committee that the drafting of the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009 is defective. In the English text Regulation 3(2)(a) refers to omitting the definition of "Directive 95/31/EC" in the Sweeteners in Food Regulations 1995. However, in the Welsh text Regulation 3(2)(a) refers to omitting "Directive 95/45/EC" which is incorrect.

Legislative Background

The powers enabling the Regulations to be made are contained in Sections 16(1)(a) and 17(1) of the Food Safety Act 1990. These are exercisable by Welsh Ministers. The Regulations are subject to the Assembly's negative resolution procedure.

Purpose and Intended effect of the legislation

The purpose of The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) (Amendment) Regulations 2009 is to correct the above-mentioned error in the Welsh text of The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009.

Implementation

These Regulations will come into force on 7 September 2009. In this instance parallel Regulations are not required in England, Scotland and Northern Ireland.

Regulatory Impact Assessment

The Agency has not produced a Regulatory Impact Assessment (RIA) as there are no changes to the requirements enforced by the new domestic legislation.

Consultation

As the legislation makes no changes of substance and no financial or other impact on industry is foreseen, the Agency did not hold a formal consultation.

However, an Interested Parties letter including the draft SI for Wales was issued on 30 June 2009 and provided four weeks in which to submit comments.

There were no responses to the consultation from Welsh stakeholders.