

**Explanatory Memorandum
The Contaminants in Food (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.

1. Description

1.1 These Regulations correct an error in the Welsh text of The Contaminants in Food (Wales) Regulations 2009.

2. Matters of special interest to the Subordinate Legislation Committee

2.1 These Regulations correct an error identified by the Subordinate Legislation Committee meeting of 22 June 2009.

3. Legislative Background

3.1 Welsh Ministers have the powers to make the proposed Regulations pursuant to sections 16(1)(a) 17(1) of the Food Safety Act 1990. Functions transferred to the National Assembly for Wales are now exercisable by Welsh Ministers by virtue of section 162 and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006. These Regulations are subject to the Assembly's negative resolution procedure.

4. Purpose and intended effect of the legislation

4.1 The purpose of the proposed Contaminants in Food (Wales) (Amendment) Regulations 2009 is to correct this error in the Welsh text, by substituting "124/2008" for the reference "xxx/2008".

5. Implementation

5.1 It is intended that these Regulations should come into force on 27 November 2009.

6. Regulatory Impact Assessment

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

7. Consultation

7.1 As the legislation makes no changes of substance and no financial or other impact on industry is foreseen, the Agency did not conduct a formal 12 week consultation. However, an Interested Parties letter including the draft Statutory Instrument for Wales was issued on 10 August 2009 and provided

four weeks in which to submit comments. These ranged from food industry organisations to sector specific organisations, enforcement authorities and the National Assembly.

- 7.2 There were no responses to the Interested Parties letter from Welsh Stakeholders.