

UK MINISTERS ACTING IN DEVOLVED AREAS

The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019 *Laid in the UK Parliament: 31 January 2019*

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 20
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These draft Affirmative Regulations are proposed to be made by the UK Government pursuant to section 8 of the European Union (Withdrawal) Act 2018.

This statutory instrument is being made to fix the inoperabilities of retained EU legislation which arise because of the UK's exit from the European Union.

For food safety to be maintained after the UK's exit, it is necessary that existing EU Regulations are retained in an operable form in UK law. This instrument delivers this principally for Regulation (EC) No. 853/2004 but also for some related Regulations.

Regulation (EC) No. 853/2004 lays down specific requirements for food business operators ("FBOs") manufacturing and handling certain products of animal origin ("POAO"). In order to operate, such FBOs must be

approved by the 'competent authority' or CA (this is the FSA in slaughterhouses and cutting plants and local authorities in other establishments) and as part of this, each establishment is provided with a unique number. In the UK, altogether this could impact on the 6,4531 approved food business establishments.

The retained legislation as amended by this instrument ensures that this is maintained in the event of a "no-deal" scenario. Any agreements reached during exit negotiations that impact the food regulatory regime will be factored in to any future amendments to this instrument

Legal Advisers agree with the statement laid by the Welsh Government dated 4 February 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.