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<b>REPORT TO:</b>	<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>2<sup>nd</sup> February 2006</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>Director of Community Services</b>	<b>OPEN PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Carl Jacobs 595717</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Food Enforcement – Authorisation Under New Food Hygiene Legislation</b>	<b>REF: c:\myfiles\com\ES\ new food law</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: ES13</b>

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## **1.0 Recommendations**

- 1.1 That the Committee authorises the delegation of the powers for the following Acts of Parliament and Regulations made under those relevant Acts, to the Director of Community Services and Head of Environmental Services who will subsequently authorise the delegation of specified statutory powers to suitably qualified officers.
- 1.2 The Director of Community Services or Head of Environmental Services is authorised to amend statutory powers of authorised officers without future referral to the appropriate Committee, if any of the following legislation is extended, amended or varied by or by virtue of any subsequent order, byelaw or regulation made under the authority of the following regulations.

The legislation  
Food Safety Act 1990 (as amended)

The Food Hygiene (England) (No. 2) Regulations 2005

The Official Feed and Food Controls (England) Regulations 2005

Other Acts or Regulations made under Acts

European Communities Act 1972 (Including The Products of Animal Origin (Import and Export) Regulations 1996 as amended, The Products of Animal Origin (Third Country Import) (England) (No. 4) Regulations 2004, The TSE (England) Regulations 2002 as amended, The Food (Jelly Confectionery) (Emergency Control) (England) Regulations 2002, The Food (Jelly Confectionery) (Emergency Control) (England) (Amendment) Regulations 2004, The Food (Chilli, Chilli Products, curcuma and palm oil) (Emergency Control) (England) Regulations 2005. The Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003, The Food (Brazil Nuts) (Emergency Control) (England) Amendments) Regulations 2003, The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (NO 2) Regulations 2002, The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (England) (NO 2) (Amendment) Regulations 2003, The Food (Emergency Control) (England) (Miscellaneous Amendments)

Regulations 2004, The Food (Peanuts from China) (Emergency Control) (England) (No 2)  
Regulations 2002, The Food (Peanuts from China) (Emergency Control) (England) (No 2)  
(Amendment) Regulations 2003, The Food (Peanuts from Egypt) (Emergency Control)  
(England) Regulations 2003, The Food (Pistachios from Iran) (Emergency Control)  
(England) Regulations 2003, The Food (Emergency Control) (England) (Amendment)  
Regulations 2005, The Organic Products (Imports from Third Countries) Regulations  
2003).

The Food (Pistachios from Iran) (Emergency Control) (England) (Amendment) Regulations  
2005.

The Food Safety Act 1990 (Amendment) Regulations 2004.

The General Food Regulations 2004.

Food Safety Act 1990

The Contaminants in Food (England) Regulations 2004

## **2.0 Purpose of Report**

2.1 To ensure that officers in the Environmental Health Commercial Section are  
appropriately authorised under relevant food legislation.

2.2 That future changes in legislation are delegated to Director of Community Services  
and Head of Environmental Health who will subsequently authorise the delegation of  
specified statutory powers to suitable qualified officers.

## **3.0 Detail**

3.1 New food Hygiene legislation comes into force in 2006 following the adoption of  
powers for EC legislation to replace many of the powers of the Food Safety Act 1990.  
This has resulted in an overhaul of all European Food legislation and the adoption of  
EEC Orders, Directives and Regulations.

3.2 In regard to powers of Food Authority little has changed, except that some of the  
legislation is now amended and enacted in the European Communities Act 1972 and  
subsequent regulations made under that legislation.

3.3 Unlike legislation made under the Food Safety Act 1990 (now partly repealed), any  
amendments made under the European Communities Act 1972 and subsequent  
regulations will require approval by the Food Authority and amendment to powers of  
the Authorised Officer. This is the primary reason that the Committee is being asked  
to delegate this approval to designated officers, so that numerous and frequent  
committee reports will not be required to change minor amendments to legislation,

## **4.0 Financial Implications**

4.1 None

## **5.0 Background Papers**

5.1 None