

Explanatory Memorandum to the Food (Jelly Mini-Cups) (Emergency Control) (Wales) (Amendment) Regulations 2010

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

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Food (Jelly Mini-Cups) (Emergency Control) (Wales) (Amendment) Regulations 2010. I am satisfied that the benefits outweigh any costs.

Gwenda Thomas

Deputy Minister for Health and Social Services

28 April 2010

1. Description

These Regulations correct an error in the English and Welsh text of The Food (Jelly Mini-Cups) (Emergency Control) (Wales) (Amendment) Regulations 2009 (S.I. 2009/3379 (W.301)).

2. Matters of special interest to the Constitutional Affairs Committee

The Subordinate Legislation Committee as were meeting of 28 January 2010 reported that the drafting of the 2009 Regulations was defective.

- The title of the Regulations in English includes the words "Jelly Mini-Cups" i.e. the plural form of the noun is used. In Welsh the equivalent words "Jeli Cwpan Fach" utilise the singular noun in the translation of "Cups". In contrast, in regulation 2 and thereafter throughout the Regulations where the expression "mini-cups" is used in the English text in the Welsh text the words "cwpanau bach" are used i.e. in these instances the plural noun is used. It is considered that the Regulations require correction to ensure consistency throughout.
- In Regulation 2 (3) (c) reference is made to metropolitan counties. As there are no such counties in Wales this reference is inappropriate.
- Regulation 3(5) sets out the penalties for contravention of regulations 3(1) or 3(3). The English text provides that a person may be imprisoned for a period not exceeding 3 months; the Welsh text incorrectly provides that the term is one exceeding 3 months.

3. Legislative Background

These Regulations are made by Welsh Ministers in exercise of functions conferred on them by sections 16(1) (e), 17(1), 26(1)(a) and 48(1) of the Food Safety Act 1990, and are subject to the Assembly's negative resolution procedure

4. Purpose and Intended effect of the legislation

The purpose of these Regulations is to correct the above-mentioned error in the 2009 Regulations.

5. Consultation

The Food Standards Agency Wales carried out four-week week public consultation on the draft Regulations which ran from the 5th March to 2nd April 2010. Interested parties in Wales, who were consulted on the 2009 Regulations, have been consulted on these draft Regulations. No responses were received.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no identified costs to consumers, businesses or enforcement authorities associated with implementation of these new Regulations.

These Regulations will not impose any significant new burden on Government or enforcement officers. Rural areas and members of the ethnic communities, or of any particular racial group are unaffected by these proposals. Charities and voluntary organisations are unaffected by these proposals.

Stakeholders consulted:

3M Health Care Ltd
All Wales Dietetic Advisory Committee
Allison's Celebration Cakes
Avana Bakeries limited
B A Jenkins & Sons
Be Safe Not Sorry
Berwyn Bakery
Briwsion
Cae Groes bakery Limited
Carolyn's Real Bread Co
Chartered Institute of Environmental Health
Children's Commissioner for Wales
Civic Catering Association
Clam's Hand-Made Cakes
Clark's Original Pies
Consumer Focus Wales
Countryside Council for Wales
Ethnic Cuisine
Federation of Small Businesses, Wales
fedwen Bakerys (Cardigan) Ltd
Food Centre Wales
Food Consultancy
Friends of the Earth
Friends of the Earth Cymru
Funny Honey Foods
Garth Bakeries
Graig Farm Organics
Greggs Wales
Halo Foods
HAT Events
Henllan Bread
Iceland Foods Limited
Institute of Food Science and Technology
JM & A Hughes (Station Bakery)
KK Finefoods
Lewis' Pies Ltd
Media Wales
Megan's Bakery
Memory Lane Cakes Ltd
Meridian Foods Ltd
Minton Treharne Davies Ltd
National Federation Of Women's Institutes
National Public Health Service Wales
Noble Foods - Desserts
Ogmore Vale Bakery Limited
Organic Centre Wales
Pembrokeshire Mind
Peters Food Service Ltd
RCGP Wales

Rowan Foods Ltd
SIMPLY ORGANIC - Serious Food Company
Slaters Bakery
Snowdrop Bakery
Tan y Castell
The Co-operative Group
The Nutrition Society
The Unusual food Co (Cymru) Ltd
The Village Bakery (Coedpoeth) Limited
Tillery Valley Foods Ltd
Tovali Limited
Tregroes Waffles
University of Wales Institute Cardiff
UWIC
Wales Council for Voluntary Action
Welsh Assembly Government
Welsh Food Alliance
Welsh Hills Bakery
Welsh Organic Scheme
White's Golden Crust Bakery
Williams Bakery Limited
Zorba Foods