



THE EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973

THE FOOD ACT 1996 (AMENDMENT) REGULATIONS 2006

Laid before Tynwald.....25th April 2006

Coming into operation in accordance with Regulation 1

In exercise of the powers conferred on the Council of Ministers by section 2B of the European Communities (Isle of Man) Act 1973¹, and of all other enabling powers, the following Regulations are hereby made:—

1. Citation and commencement

These Regulations may be cited as the Food Act 1996 (Amendment) Regulations 2006 and shall come into operation on the day on which they are made.

2. Amendment of the Food Act 1996

The Food Act 1996² (“the Act”) shall be amended in accordance with Regulations 3 to 6.

3. (1) In section 1 of the Act (meaning of “food” and other basic expressions) for subsections (1) and (2) there shall be substituted the following subsections —

“(1) In this Act “food” has the same meaning as it has in Regulation (EC) No. 178/2002³, that is to say —

“Food” means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans, and includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC⁴ and without prejudice to the requirements of Directives 80/778/EEC⁵ and 98/83/EC.

(2) “Food” shall not include —

(a) fodder or feeding stuffs for animals, birds or fish;

¹ C.14. 1973

² 1996 c.8

³ OJ L31, 1.2.2002, p.1

⁴ OJ L330, 5.12.1998, p. 32

⁵ OJ L 229, 30.8.1980, p. 11

- (b) live animals unless they are prepared for placing on the market for human consumption;
- (c) plants prior to harvesting;
- (d) medicinal products within the meaning of Council Directives 65/65/EEC⁶ and 92/73/EEC⁷;
- (e) cosmetics within the meaning of Council Directive 76/768/EEC⁸;
- (f) tobacco and tobacco products within the meaning of Council Directive 89/622/EEC⁹;
- (g) narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971;
- (h) residues and contaminants.”

(2) In section 1(3) of the Act after the definition of “premises” add

“Regulation (EC) No. 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.”

4. In section 38 of this Act (codes of practice) for subsection (5) substitute —

“(5) Before issuing any code under this section, the Department or the Agriculture Department shall, in accordance with Article 9 of Regulation (EC) No. 178/2002, consult with such organisations as appear to it to be representative of interests likely to be substantially affected by the Code, in open and transparent public consultation, during the preparation, evaluation and revision of any Code, except where the urgency of the matter does not allow it.”.

5. In section 41 (regulations and orders) for subsection (8) substitute —

“(8) Before making any regulations or order under this Act, the Department or the Agriculture Department, as the case may be shall, in accordance with Article 9 of Regulation (EC) No. 178/2002, consult with such organisations as appear to it to be representative of interests likely to be substantially affected by the regulations or order, in open and transparent public consultation, during the preparation, evaluation and revision of any regulations or order, except where the urgency of the matter does not allow it.”.

6. In section 46(2) (interpretation) —

(a) for the entry for "food" there shall be substituted —

“food section 1(1) and (2)”;

⁶ OJ L English special edition: Series I Chapter 1965-1966 p.24

⁷ OJ L 297, 13.10.1992 p.8

⁸ OJ L 262, 27.9.1976, p.201

⁹ OJ L 359, 8.12.1989, p.1

- (b) after the entry for "public analyst" there shall be inserted –
"Regulation (EC) No. 178/2002 section 1(3)".

MADE

17th March

2006

Mary Williams

Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Act 1996 ("the Act"). The amendments are occasioned by Regulation (EC) No. 178/2002 of the Council and European Parliament (OJ No. L31, 1.2.2002, p.1) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
2. The Regulations replace the existing definition of "food" in the Act with the definition which applies for the purposes of (EC) Regulation 178/2002 (regulation 3). That definition is to be found in Article 2 of that Regulation.
3. Pursuant to Article 4(2) and (3) of (EC) Regulation 178/2002 the Regulations also disapply provisions in sections 38 and 41 of the Act regarding public consultation in circumstances where similar provisions in Article 9 of (EC) Regulation 178/2002 require public consultation (regulations 4 and 5).
4. The Regulations also make consequential amendments to the general interpretation provisions in section 46 of the Act (regulation 6).

