

Summary of stakeholder responses: Correcting references in the Food Safety Act 1990 and Food Standards Act 1999

We are seeking stakeholder views on a proposal to correct references to EU law in the Food Safety Act 1990 and Food Standards Act 1999.

Introduction

This consultation was issued on 6 January 2025 and closed on 31 March 2025.

The Food Safety Act 1990 provides the framework for food legislation in Great Britain. Its primary purpose is to protect consumers from consuming food that could be harmful to their health.

The Food Standards Act 1999 established the Food Standards Agency (FSA) and its functions, including its main objective of protecting public health and other consumer interests in relation to food. It applies in England, Wales and Northern Ireland and gives the FSA the power to act in the consumer's interest at any stage in the food production and supply chain.

A review of the Food Safety Act 1990 and Food Standards Act 1999 identified several references to EU provisions that are inaccurate in the context of EU Exit and the subsequent assimilation of Retained EU Law (REUL) through the REUL Act.

Stakeholders' views were sought in relation to correcting references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. The proposal was to amend references to EU provisions to correctly reference "assimilated law" using Sections 12(1) and 20(1) of the REUL Act.

The consultation was published on the FSA [website](#) and an FSA Link notification was sent to Local Authorities in England and Wales and District Councils in Northern Ireland. Food Standards Scotland published a link to the consultation on their News and Alerts webpage. Reminders were published on social media that the consultation was open for responses.

The FSA is grateful to those who responded and more details are in the 'Summary of substantive comments' section, in order of the issues considered. The FSA's considered responses to stakeholders' comments are given underneath each one.

A total of 6 responses were received from stakeholders, with responses either aligned with the proposed changes or elaborating further on topics not within the scope of this consultation such as allergens, food hypersensitivity and novel foods. The responses have been reviewed and will not result in any further changes to the proposed amendments within this consultation.

A list of stakeholders who responded can be found at the end of this page.

Summary of substantive comments

Respondent: Cannabis Trades Association

Comments on the proposed changes

We acknowledge the necessity of updating the Acts to reflect current regulatory frameworks. However, we express concerns about potential implications for the CBD and hemp industry, particularly regarding Novel Food applications for CBD.

Approach to correcting references

We support the correction of outdated references to ensure legal clarity. We recommend that such corrections do not inadvertently introduce stricter requirements for the CBD food sector, as the sector has shrunk by 50% as a result of the FSA Novel Food process.

Transitional arrangements

We emphasise the need for clear guidance on how ongoing and pending Novel Food applications will be managed during the transition.

We advocate for a grace period to allow businesses to adapt to any new requirements.

Additional comments

We urge the FSA to engage in continuous dialogue with industry stakeholders to ensure that the amendments support both consumer safety and industry growth.

We highlight the importance of risk and proportionality in implementing changes to avoid unnecessary further burdens on businesses.

FSA's response

The FSA acknowledges receipt of the response letter from the Cannabis Trades Association to the Correcting references in the Food Safety Act 1990 and Food Standards Act 1999 Consultation launched on 6 January 2025.

This consultation concerns the correction of references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. Under the proposals inoperable references to EU provisions will be amended to correctly reference "assimilated law".

Comments related to perceived impacts for the CBD food sector and hemp industry have been noted by the FSA, however they fall outside the scope of this consultation. The proposed amendments consulted on do not give effect to any policy changes and will not impact on the current novel foods application processes including for the authorisation of CBD extracts, isolates and associated products to be placed on the GB market.

Respondent: Office of the Government Chemist

No comments to be made on this proposal at this time.

FSA's response

Comment noted.

Respondent: Wokingham Borough Council

It was noted that overall the proposed changes appeared to be non-contentious and the FSA needs to be mindful that any changes made under the proposals do not in any way alter or dilute the current protections afforded by allergen legislation.

Requirements in relation to providing allergen information to consumers either in restaurants, takeaways or packaged foods/loose items in retail shops, stem from EU legislation and are one of the major advances in consumer protection in recent years, placing the onus on businesses to inform consumers as opposed to the other way round as was the system previously.

FSA's response

This consultation concerns the correction of references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. Under the proposals inoperable references to EU provisions will be amended to correctly reference "assimilated law".

Comments related to the provision of allergen information have been noted by the FSA, however they fall outside the scope of this consultation. The proposed amendments consulted on do not give effect to any policy changes for the provision of allergen information to consumers and do not impact on protections from allergen legislation. Current responsibilities on food business operators in this regard are unaffected.

Respondent: Private individual

Highlighted the risks of exposure to allergens in individuals from:

- food and drinks consumed that are listed for purchase from any outlet
- skin, sun and hair products
- international travel regulations (Civil Aviation Authority)
- hotel accommodation

The individual has further highlighted emergency treatment options and law amendments, specifically for international law, to alleviate the risk of someone deliberately adding an allergen to someone's food or drink without their knowledge in order to make a financial gain. For example, claiming on life insurance for a person who died of anaphylaxis. They expressed that the benefit should be made for the sole use of the children of the deceased anaphylactic, including a child protection order for monies to only be paid to directly care for their children.

FSA's response

This consultation concerns the correction of references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. Under the proposals inoperable references to EU provisions will be amended to correctly reference "assimilated law".

Comments related to the provision of allergen information have been noted by the FSA, however they fall outside the scope of this consultation. The proposed amendments consulted on do not give effect to any policy changes for the provision of allergen information to consumers and do not impact on protections from allergen legislation. Current responsibilities on food business operators in this regard are unaffected.

Respondent: Private individual

Welcomed the proposed changes and encouraged integrating sustainability principles into food safety regulations to support a more resilient and environmentally responsible food system by:

Aligning food safety with sustainability

Modernising food safety regulations presents an opportunity to encourage sustainable food production, responsible sourcing, and waste reduction while maintaining high safety standards.

Incorporating sustainability considerations could enhance risk-based food safety approaches, reducing unnecessary food waste without compromising consumer protection.

Integration with UK sustainability goals

Aligning food safety laws with the Environmental Improvement Plan 2023, National Food Strategy, and Net Zero targets could reinforce the UK's commitment to a sustainable food system.

Reviewing food labelling and expiration date policies in light of sustainability can help minimize food waste at the consumer level.

Industry and consumer support

Regulatory updates should provide clear guidance for businesses on how food safety and sustainability can work together.

A collaborative approach with industry stakeholders will ensure that sustainability efforts are both practical and enforceable without adding unnecessary complexity.

FSA's response

This consultation concerns the correction of references to the EU in the Food Safety Act 1990 and Food Standards Act 1999. Under the proposals inoperable references to EU provisions will be amended to correctly reference "assimilated law".

Comments have been noted. These amends do not give effect to any policy changes in regard to sustainability, which would be outside of the scope of the proposed amends. The FSA works with government partners and others in the food system to make it easier for consumers to access a healthier and more sustainable diet. More information is available in the FSA [strategy](#) and in the FSA [environmental sustainability strategy](#).

Respondent: Council for Responsible Nutrition UK

Agree with proposed changes and raise no concerns or further suggestions.

FSA's response

Comment noted.

Summary of changes made

No changes have been made to our proposal based on the comments received from stakeholders, as they were either related to matters outside the scope of the proposed changes or were aligned with the proposal.

List of respondents

- Cannabis Trades Association
- Government Chemist
- Wokingham Borough Council
- Private individual x2
- Council for Responsible Nutrition UK