

Post Implementation Review – The Food Safety and Hygiene (England) Regulations 2013 (As Amended)

Status: Closed

Date launched: 10 August 2020

Closing date: 4 September 2020

About this consultation

The Food Standards Agency is carrying out a post implementation review of the Food Safety and Hygiene (England) Regulations 2013 (As Amended). Details of the review are available in a draft report.

Purpose of the consultation

The Food Safety and Hygiene (England) Regulations 2013 (SI 2013 No. 2996) came into force on 31 December 2013. This routine Post Implementation Review (PIR) is required as part of the Statutory Review requirements of the legislation. In order to do this, the FSA has collated evidence from key stakeholders based on their views and experiences, including on any costs and benefits arising from its implementation.

Who will this consultation be of most interest to?

- Food Business Operators
- Competent Authorities – Local Authority Food Safety and Standards Teams

Details of consultation

These Regulations revoked and re-enacted, in whole or in part, a number of pieces of legislation into a single consolidated Statutory Instrument (SI). The Regulations have been amended since coming into force on 31 December 2013 by:

- The Official Feed and Food Controls (England) (Miscellaneous Amendments) Regulations 2019 (SI 2019 No. 1476)
- The Food Safety and Hygiene (England) (Amendment) Regulations 2016 (SI 2016 No. 868)
- The Food Safety and Hygiene (England) (Amendment) Regulations 2014 (SI 2014 No. 2885)
- The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (SI 2014 No. 2748)

The requirements introduced by the amending SIs are reviewed as part of this exercise.

This PIR reviews the objectives of the consolidation exercise; the extent to which those objectives have been achieved; and whether they could be achieved by means that impose less regulatory burden. The PIR also considers evidence provided by interested parties on the effectiveness of the regulations and the extent to which they are still relevant.

A light touch review was considered proportionate for this combined PIR due to the low impact identified in the regulatory impact assessments. The FSA view is that the Regulations remain effective and fit for purpose - based on routine engagement and monitoring of UK official controls and enforcement.

Within the report are a series of questions that we would welcome responses to. These are copied below.

1. Do you agree with the view that the consolidated SI created a simplified system? Please explain your response with evidence where possible.
2. How significantly do you feel the subsequent amendments to the consolidated SI reduced the benefits of the original consolidation?
3. Do you agree with the view that there were no significant impacts resulting from the consolidated SI? Please explain your response with evidence where possible.
4. Do you agree with the FSA conclusion that the consolidated SI remains effective and relevant in meeting the intended objectives? Please explain your response with evidence where possible.
5. Do you agree with the FSA conclusion that there is no evidence of unnecessary or disproportionate burdens in the enforcement of the EU regulations in England?
6. We would welcome any additional comments or views in relation to the consolidated SI or the proportionality of this PIR. Please explain your response with evidence where possible.
7. Do you have any views on the use of sanctions generally, or the inclusion of criminal sanctions, in The Food Hygiene and Safety (England) Regulations 2013? Please explain your response with evidence where possible.

Impacts

No significant impacts were identified by the FSA when undertaking the consolidation and no significant impacts were highlighted by respondents during the formal consultation in 2013, or during the consultations of the amending Regulations. No significant impacts have since been identified during this review of the regulations, including comments received through our engagement with key stakeholders.

Consultation pack

England

PDF

[View The Food Safety and Hygiene \(England\) Regulations 2013 \(as amended\) as PDF\(Open in a new window\)](#) (403.72 KB)

How to respond

Responses are required by close **4 September 2020**. Please state in your response whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Responses to this consultation should be sent by email to: foodhygiene.policy@food.gov.uk

Or by post to:

Michelle Beer

General Food Hygiene Policy

Food Policy Directorate, Food Standards Agency, Clive House,

70 Petty France, London, SW1H 9EX

Publication of response summary

Within three months of a consultation ending we aim to publish a summary of responses received and provide a link to it from this page.

You can find information on how we handle data provided in response to consultations in our [Consultations privacy notice](#).

Further information

This consultation has been prepared in accordance with [HM Government Consultation Principles](#). If an Impact Assessment has been produced, this is included in the consultation documents. If no Impact Assessment has been provided, the reason will be given in the consultation document.