

Lynne Neagle MS  
Deputy Minister for Mental Health and Wellbeing  
Welsh Government

1 December 2022

Dear Lynne

Food Supplement and Food for Specific Groups (Miscellaneous Amendments) Regulations 2022

Thank you for your letter of 21 November 2022 to provide early notification of the above Regulations, expected to be laid before the UK Parliament on 14 December 2022.

We would welcome clarification of the following issues (including, where appropriate) where the relevant information can be found in the Explanatory Memorandum that we anticipate will be laid alongside the Regulations in December.

### **Territorial extent**

Your letter notes that the Regulations will apply in Scotland, Wales and England. It also states that “Consenting to a UK wide SI ensures there is a single legislative framework across the UK which promotes clarity and accessibility”. However, the letter suggests that Northern Ireland will not be included within the extent of the Regulations.

1. Will these Regulations lead to divergence between GB and Northern Ireland? If so, what assessment has been made of whether any divergence could result in barriers to trade or public health matters?

You also state that the UK Government and Welsh Governments are agreed on the policy objectives, and that your rationale for consenting to the UK Government legislating in devolved areas is that “making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book”.

2. Is the Scottish Government bringing forward its own Regulations in this respect?
3. Regulations brought forward by the UK Government are made only in English. Regulations brought forward by the Welsh Government must be made in Welsh and in English. To what extent did you consider whether legislation applicable to Wales should be available in both Welsh and English when making your decision on whether to consent to the Regulations?

### **Nutrition Labelling Composition and Standards Common Framework**

4. Was the joint GB approach for these Regulations considered through the mechanisms set out in the Nutrition Labelling Composition and Standards Common Framework?

### **Rationale for the amendments**

5. What is the rationale for making the amendments to be set out in the Regulations? For example, are they for the purpose of keeping pace with changes to EU legislation, or do they reflect developments in the scientific evidence?

### **Retained EU Law (Revocation and Reform) Bill**

If the Retained EU Law (Revocation and Reform) Bill were to be passed in its current form, then unless these Regulations were to be saved by either UK or Welsh Ministers, they would be repealed automatically on 31 December 2023.

6. What discussions have you had with the UK Government about the potential implications of the Retained EU Law (Revocation and Reform) Bill for these Regulations?

We would be grateful for a response by 5 January 2022.

Yours sincerely



Russell George MS

Chair, Health and Social Care Committee

cc Jayne Bryant MS, Chair, Children, Young People and Education Committee

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English