

Lynne Neagle MS
Deputy Minister for Health and Wellbeing

7 December 2022

Dear Lynne

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

Thank you for your letter of ~~21 November~~ regarding the above proposed UK Government Regulations.

In your letter you state:

"There is no divergence between the Welsh Government and the UK Government (Department of Health and Social Care) on the policy for the corrections. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility. In this circumstance, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance."

We would welcome clarification on the following issues:

1. Please can you explain why you believe separate Wales only, bilingual regulations, made in parallel with the UK Government, would lead to "unnecessary complication of the statute book"?
2. Please can you confirm that the Regulations are a Great Britain-wide (GB-wide) statutory instrument and that they are intended, from your perspective, to form part of a single GB legislative framework rather than a Welsh or, as your letter suggests, a UK framework?

3. Is all legislation in this policy area GB-wide or do divergences exist?
4. Your letter refers to amendments being made. Please can you provide more specific detail about each of these amendments (as the terms “update” and “standardise” are relatively vague)?
5. What is the rationale for making the amendments 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?
6. What is your view on whether these Regulations will lead to divergence with EU standards for similar products?
7. What is your view on whether the Regulations improve pre-Brexit food standards?
8. Can you confirm if these regulations were considered through the relevant Common Framework or Frameworks and, if so, which ones?
9. What action are you taking to promote accessibility of this legislation to those affected by it, including Welsh-speaking citizens given that the Regulations are in English only?
10. Can you confirm what consultation has been undertaken with Welsh stakeholders on these Regulations?
11. How will this legislation be affected in the future should the UK Government’s Retained EU Law (Revocation and Reform) Bill become law, particularly if there is any policy divergence between the Welsh and UK Governments?
12. When agreeing to GB-wide regulations, what discussions did you have about the impact of the Retained EU Law (Revocation and Reform) Bill (the REUL Bill) and what was the outcome?
13. Given that retained direct EU legislation is subject to the sunset in the Retained EU Law (Revocation and Reform) Bill, did you consider making separate Welsh legislation outside the framework of REUL?
14. Does the Welsh Government intend to revisit these Regulations if the REUL Bill becomes law?

I would be grateful to receive a response by 5 January 2022.

I am copying this letter to Russell George MS, Chair of the Health and Social Care Committee and Jane Bryant MS, Chair, Children, Young People and Education Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair

