

Lynne Neagle MS

Deputy Minister for Mental Health and Wellbeing

Welsh Government

16 January 2023

Dear Lynne

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

Thank you for your letter of 20 December 2022 regarding the above Regulations. We considered your response, and your recent exchange of correspondence with the Legislation, Justice and Constitution Committee, at our meeting on 11 January 2023. Following our discussion, we would welcome clarification of the following issues (including, where appropriate) where the relevant information can be found in the Explanatory Memorandum to be laid alongside the Regulations.

Timing of the Regulations

Your letter of 21 November indicated that the Regulations would be laid before the UK Parliament on 14 December 2022, and that they would come into effect on 18 January 2023. Your subsequent letter of 20 December 2022 states that the Regulations will be laid "in December". We noted at our meeting on 11 January 2023 that the Regulations do not yet appear to have been laid.

1. Could you confirm when the Regulations are expected to be laid and enter into force?
2. Could you outline why the Regulations have been delayed, and whether the delay will give rise to any consequences?

Divergence with Northern Ireland

You indicate in your letter of 20 December 2022 that no formal assessment has been undertaken of divergence between GB and Northern Ireland regarding barriers to trade or public health.

3. Could you clarify whether standards will be different in GB and Northern Ireland as a result of the amendments to be made by the Regulations?

Bilingual legislation

In your answer in your letter of 20 December to question 3 from our letter of 1 December 2022, you explain that you considered different options for taking forward the proposed amending regulations, including the option for Welsh Government to bring forward its own Statutory Instrument. However, you did not indicate whether the availability of legislation in Welsh and in English, and the implications for the accessibility of law in Wales, was a factor in your consideration.

4. What consideration was given to the impact of the UK Government making regulations on the accessibility of the law and the availability of bilingual legislation?

Consultation with stakeholders

In your response to the LJC Committee's letter, you explain that the UK Government undertook a three week consultation with specific stakeholders on the proposed changes.

5. Could you provide details of which stakeholders were consulted, and how any responses are reflected in the Regulations?

Amendments to be made by the Regulations


Thank you for the information you have provided on the rationale for the amendments to be made by the Regulations. We welcome the indication that the Welsh Government will be bringing forward its own Regulations regarding baby food.

We note that one amendment will update the definition of pesticide residue from the terminology used in Regulation (EC) No 1107/2009 to a narrower definition taken from an earlier regulation (Regulation (EC) No 396/2005).

6. Could you provide further information about the rationale for reverting to a narrower definition, and what the implications of such a change might be?

We would be grateful for a response by 24 January 2023.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal stroke underneath.

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.