



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE: The Food Supplements and Food for Specific Groups
(Miscellaneous Amendments) (No. 2) Regulations 2023

DATE 09 February 2023

BY Lynne Neagle, Deputy Minister for Mental Health and Wellbeing

Members of the Senedd will wish to be aware that I gave consent to the Secretary of State for Health and Social Care exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the Parliamentary Under Secretary of State on 6 February to make an SI titled The Food Supplements and Food for Specific Groups (Miscellaneous Amendments) (No. 2) Regulations 2023 (“the correcting SI”) which makes provision which applies in relation to Great Britain. The correcting SI was made by the Secretary of State in exercise of powers conferred by sections 16(1)(a) and 48(1) of the Food Safety Act 1990, Articles 11(1)(b) and (g), 16(1)(a) and 16A(2) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and regulation 2(2) and 5(3) of the Nutrition (Amendment etc.) (EU Exit) Regulations 2019.

The correcting SI amends the existing commencement provision (regulation 1(2)) in the Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2023 (“the Miscellaneous Amendments Regulations”) to provide that it comes into force on 10 February 2023, as intended. This addresses an error in the commencement provision which rendered the legislation inoperable.

The [correcting SI](#) also inserts transitional provisions into the Food Supplements (England) Regulations 2003, the Food Supplements (Scotland) Regulations 2003 and the Food Supplements (Wales) Regulations 2003 (“2003 GB Food Supplements Regulations”). The provisions provide a defence in any relevant enforcement proceedings in respect of the sale of food supplements which used copper and zinc in the manufacturing process and were marked or labelled prior to the coming into force of the respective amendments in regulation 6(2) of the Miscellaneous Amendments Regulations. This corrects an omission in which a

provision ensuring a transition period for food supplements containing copper was not included as per the policy intention for the Miscellaneous Amendments Regulations. It also makes provision for a similar transition period for zinc food supplements.

The correcting SI was laid before UK Parliament on 8 February will come into force in stages.