

Lynne Neagle AS/MS
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS,
Chair, Children, Young People and Education Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

9 February 2023

Dear Jayne

I am writing to notify you of an amending SI entitled the Food Supplements and Food for Specific Groups (Miscellaneous Amendments) (No. 2) Regulations 2023 (“the correcting SI”), which was laid before UK Parliament on 8 February and comes into force in stages. I apologise that I was not in a position to provide you with early notification, but UK Government did not provide us with the final Statutory instruments until late on Monday 6 February.

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.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I gave consent to these amendments being undertaken by the Secretary of State as they are required due to oversights in relation to the Miscellaneous Amendment Regulations and they form part of the same policy objectives which those Regulations were made to achieve, to which I previously provided consent. It would seem undesirable in terms of accessibility of the law to split transitional provisions on a territorial basis when the main provision was made on a UK wide basis.

The correcting SI also makes the transitional amendments to the Welsh language text of the Food Supplements (Wales) Regulations 2003, which retains their language accessibility for Welsh readers.

I have also sent a letter to the Chair of the Health and Social Care Committee and the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Neagle', written in a cursive style.

Lynne Neagle AS/MS

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Deputy Minister for Mental Health and Wellbeing