

2014 No. 1102 (W. 110)

FOOD, WALES

**The Transfer of Functions (Food)
(Wales) Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, amend the Medical Food (Wales) Regulations 2000 (S.I. 2000/1866 (W.125)), the Notification of Marketing of Food for Particular Nutritional Uses (Wales) Regulations 2007 (S.I. 2007/1040 (W.100)), the Nutrition and Health Claims (Wales) Regulations 2007 (S.I. 2007/2611 (W.222)), and the Infant Formula and Follow-on Formula (Wales) Regulations 2007 (S.I. 2007/3573 (W.316)), by transferring nutrition functions under each set of regulations from the Food Standards Agency to the Welsh Ministers.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Transfer of Functions (Food)
(Wales) Regulations 2014**

Made 25 April 2014

Laid before the National Assembly for Wales
29 April 2014

Coming into force 23 May 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 6(4), 16(1)(e) and (f), 17(1) and (2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾.

In accordance with section 48(4A) of that Act, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

Title, commencement and application

1.—(1) The title of these Regulations is the Transfer of Functions (Food) (Wales) Regulations 2014.

(2) These Regulations come into force on 23 May 2014 and apply in relation to Wales.

Amendment of the Medical Food (Wales) Regulations 2000

2.In regulation 3 (restrictions on sale) of the Medical Food (Wales) Regulations 2000⁽²⁾, in paragraph (3), sub-paragraph (a), for “the Food Standards Agency” substitute “the Welsh Ministers”.

(1) 1990 c.16, as amended. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28), and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(2) S.I. 2000/1866 (W.125), as amended.

Amendment of the Notification of Marketing of Food for Particular Nutritional Uses (Wales) Regulations 2007

3. The Notification of Marketing of Food for Particular Nutritional Uses (Wales) Regulations 2007(1) are amended as follows:

- (a) in regulation 2 (interpretation), in paragraph 1 after the definition of “the Act” insert—
““the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;”; and
- (b) in regulation 3 (restriction on sale), paragraph 2, sub-paragraph (a), for “the Food Standards Agency” substitute “the Welsh Ministers”.

Amendment of the Nutrition and Health Claims (Wales) Regulations 2007

4. In regulation 3 (competent authorities) of the Nutrition and Health Claims (Wales) Regulations 2007(2), in sub-paragraph (a), for “the Food Standards Agency” substitute “the Welsh Ministers”.

Amendment of the Infant Formula and Follow-on Formula (Wales) Regulations 2007

5. The Infant Formula and Follow-on Formula (Wales) Regulations 2007(3) are amended as follows:

- (a) in regulation 2 (interpretation) omit the definition of “the Agency”; and
- (b) in regulation 13 (notification of infant formula) for “the Agency by forwarding to it” substitute “the Welsh Ministers by forwarding to them”.

Mark Drakeford

Minister for Health and Social Services, one of the Welsh Ministers

25 April 2014

(1) S.I. 2007/1040 (W.100), as amended.
(2) S.I. 2007/2611 (W.222), as amended.
(3) S.I. 2007/3573 (W.316), as amended.