

CYPE(6)-04-23 – Paper to note 2

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

Russell George MS,
Chair, Health and Social Care Committee
Welsh Parliament
Cardiff Bay
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Llywodraeth Cymru
Welsh Government

24 January 2023

Dear Russell,

Food Supplement and Food for Specific Groups (Miscellaneous Amendments) Regulations 2023

Thank you for your follow up letter dated 16 January 2023 regarding the above amending regulations. I take each of your points in order.

1. Could you confirm when the Regulations are expected to be laid and enter into force?

The legislation was laid on Friday 13 January. The link is attached [The Food Supplements and Food for Specific Groups \(Miscellaneous Amendments\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/1000/contents/made).

2. Could you outline why the Regulations have been delayed, and whether the delay will give rise to any consequences?

DHSC officials advised on 12 December that the Regulations would not be laid 14th December 2022 due to them not being able to get the necessary Ministerial clearance in time.

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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.

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

The standards will be the same across GB and Northern Ireland. The GBSI makes minor amendments and forms part of a single GB legislative framework. This is consistent with the approach taken in respect of previous legislative amendments in this area. The EU has made legislation to make the same amendments which are already applicable in corresponding nutrition regulations across the EU.

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

They met the following criteria specified by the Counsel General for when such legislation may be made in the UK Parliament on behalf of Welsh Ministers.

- a. where the interconnected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for provision for both to be taken forward at the same time in the same legislative instrument; and
- b. where the devolved provisions in question are minor or technical and non-contentious.

The regulations are considered to be technical in nature for this purpose and as such I considered there to be limited impact.

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

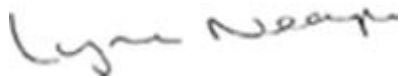
The consultation invited comments from the food and nutrition industry, representative groups, the public and other interested parties across the UK on the proposed approach. The consultation document was also placed on the Knowledge Hub, a closed forum for Local Authorities, to discuss views on enforcement issues.

There was overall support for the technical amendments to food supplements and the respondents welcomed the changes which were proposed. There was a request for a longer transition period for the change in unit of measurement used for labelling copper in food supplements and this was agreed and reflected in the SI.

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?

This change will provide a more precise definition of residues taken from Regulation (EC) No 396/2005 (on maximum residue levels of pesticides in or on food and feed of plant and animal origin) and give more clarity and consistency with the definition which is used in the legislation for general food .

Yours sincerely,

A handwritten signature in blue ink that reads "Lynne Neagle". The signature is written in a cursive, slightly slanted style.

Lynne Neagle AS/MS

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Deputy Minister for Mental Health and Wellbeing