

## UK MINISTERS ACTING IN DEVOLVED AREAS

### 168 - The Nutrition (Amendment etc.) (EU Exit) Regulations 2020

*Laid in the UK Parliament: 29 September 2020*

#### Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 40
SICM under SO 30A (because amends primary legislation)	Not required

#### Scrutiny procedure

Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### Commentary

These Regulations are proposed to be made by the UK Government pursuant to sections 8(1), 8C(1) and 23 of, and paragraphs 21 and 38 of Schedule 7 to, the European Union (Withdrawal) Act 2018 and section 41(1) of the European Union (Withdrawal Agreement) Act 2020.

The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651) and The Nutrition (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/650), which come into force immediately following the end of the Implementation Period (“IP”), were made to remedy deficiencies retained EU and existing domestic nutrition legislation arising from the withdrawal of the UK from the EU.

In order to reflect the Northern Ireland Protocol, this instrument amends S.I. 2019/651 and revokes S.I. 2019/650, so that certain functions to be transferred from the EU Commission and European Food Safety Authority following the end of the IP will no longer be transferred in relation to Northern Ireland.

This instrument also makes amendments to account for changes to EU nutrition legislation that have come into force since March 2019, and other minor amendments.

Legal Advisers agree with the statement laid by the Welsh Government dated 1 October 2020 regarding the effect of these Regulations, save that the statement contains the following errors:

1. Under the heading “The law which is being amended”, in the reference to Commission Regulation (EU) 2019/651, the wording “to ensure that they work properly in domestic law at the end of the transitional period” does not describe that Regulation and should be omitted; and
2. Under the heading “The purpose of the amendments”, in the first paragraph, there is an erroneous additional instance of “2019” in the second line and an erroneous reference to “2020” in the third line. The subject regulations do apply (in part) to Northern Ireland.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.