

**2021 No. 168**

**EXITING THE EUROPEAN UNION**

**FOOD**

**FOOD SAFETY**

**The Nutrition (Amendment) and Food for Specific Groups  
(Food for Special Medical Purposes for Infants, Infant Formula  
and Follow-on Formula) (Information and Compositional  
Requirements) (Amendment) Regulations 2021**

*Made* - - - - at 2.00 p.m. on 19th February 2021

*Laid before Parliament* at 2.55 p.m. on 19th February 2021

*Coming into force* - - - - 21st February 2021

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1)(a) and (e) and (2)(b), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and now vested in him(b), and sections 8C(1)(c) and 23 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(c) (“the 2018 Act”).

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990(d).

The urgency of this matter does not allow for open and transparent public consultation through representative bodies as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law,

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- (a) 1990 c. 16. Section 16 of the Food Safety Act 1990 was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48 was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.
- (b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) as read with section 40(2) of the 1999 Act.
- (c) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53 of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020.
- (d) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

establishing the European Food Safety Authority and laying down procedures in matters of food safety(a), during the preparation and evaluation of these Regulations.

#### **Citation, commencement and application**

1.—(1) These Regulations may be cited as the Nutrition (Amendment) and Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment) Regulations 2021.

(2) These Regulations come into force on 21st February 2021.

(3) This regulation and regulation 3 apply to England and Wales and Scotland only.

(4) Regulation 2 applies to England only.

#### **Amendment of the Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020**

2.—(1) The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020(b) are amended as follows.

(2) In regulation 1(2) (commencement), for “2021” substitute “2022”.

(3) In regulation 5 (savings and transitional provisions)—

(a) in paragraph (2)(a), for “2021” substitute “2022”;

(b) in paragraph (3)(a)(ii), for “2021” substitute “2022”.

#### **Amendment of the Nutrition (Amendment etc.) (EU Exit) Regulations 2020**

3.—(1) The Nutrition (Amendment etc.) (EU Exit) Regulations 2020(c) are amended as follows.

(2) In regulation 8(1)(a) (modification of Commission Delegated Regulation (EU) 2016/127), for “2021” substitute “2022”.

Signed by authority of the Secretary of State for Health and Social Care

*Nadhim Zahawi*

Parliamentary Under Secretary of State  
Department of Health and Social Care

At 2.00 p.m. on 19th February 2021

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020 (S.I. 2020/43) and the Nutrition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1476) in order to ensure that the amendments made by those Regulations apply to infant formula or follow-on formula made from protein hydrolysates from 22nd February 2022 instead of 22nd February 2021.

Section 8C(1)(c) of the European Union (Withdrawal) Act 2018 (c. 16) is relied upon to amend S.I. 2020/1476 as a consequence of the Protocol on Ireland / Northern Ireland in the EU withdrawal agreement.

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(a) EUR 2002/178, to which there are amendments, but none is relevant.

(b) S.I. 2020/43.

(c) S.I. 2020/1476.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.