WELSH STATUTORY INSTRUMENTS

2007 No. 2753 (W.232)

FOOD, WALES

The Food for Particular Nutritional Uses (Miscellaneous Amendments) (Wales) Regulations 2007

Made - - - -	*18 September 2007*
Laid before the National Assembly for Wales - -	*19 September 2007*
Coming into force - -	*15 October 2007*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 17(1) and (2), 26(1)(a) and 48(1) of the Food Safety Act 1990(**1**).

In accordance with section 48(4A) of the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

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, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**2**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1. The title of these Regulations is the Food for Particular Nutritional Uses (Miscellaneous Amendments) (Wales) Regulations 2007; they apply in relation to Wales and come into force on 15 October 2007.

Amendment of the Infant Formula and Follow-on Formula Regulations 1995

2.—(1) The Infant Formula and Follow-on Formula Regulations 1995(**3**) are amended in accordance with paragraph (2) in so far as they apply in relation to Wales.

(2) In regulation 22 (offences and enforcement)—

(a) in paragraph (1), insert at the beginning the words “Subject to paragraph (2B),”; and

(**1**) 1990 c. 16. Functions of the Secretary of State, 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. Those functions were transferred to Welsh Ministers by section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3).

(**3**) S.I. 1995/77, to which there are amendments not relevant to these Regulations.

(b) immediately after paragraph (2A), add the following paragraph—

"(2B) A person shall not be considered to have contravened or failed to comply with the provisions contained in regulation 2 where the sale which would otherwise have constituted a contravention of or a failure to comply with those provisions is the sale of an infant formula falling within the derogation set out in Article 1 of Commission Regulation (EC) No. 1609/2006 authorising the placing on the market of infant formulae based on hydrolysates of whey protein derived from cows' milk protein for a two-year period(**4**).".

Amendment of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997

3.—(1) The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(**5**) are amended in accordance with paragraph (2) in so far as they apply in relation to Wales.

(2) In regulation 4 (labelling, advertising and presentation) omit the words "or to a reduction in the sense of hunger or an increase in the sense of satiety".

Amendment of the Medical Food (Wales) Regulations 2000

4.—(1) The Medical Food (Wales) Regulations 2000(**6**) are amended in accordance with paragraph (2).

(2) In regulation 2 (interpretation), for the definition of "the Directive" ("*y Gyfarwyddeb*") substitute the following definition—

""the Directive" ("*y Gyfarwyddeb*") means Commission Directive 1999/21/EC on dietary foods for special medical purposes(**7**) as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**8**) and Commission Directive 2006/82/EC adapting Directive 91/321 on infant formulae and follow-on formulae and Directive 1999/21/EC on dietary foods for special medical purposes, by reason of the accession of Bulgaria and Romania(**9**);".

Amendment of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2002

5.—(1) The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2002(**10**) are amended in accordance with paragraph (2).

(2) In paragraph (5) of regulation 3 (restrictions on sale) for the words "1st January 2007" substitute the words "1st January 2010".

(**4**) OJ No. L299, 28.10.2006, p.9.
(**5**) S.I. 1997/2182, to which there is an amendment not relevant to these Regulations.
(**6**) S.I. 2000/1866 (W.125).
(**7**) OJ No. L91, 7.4.1999, p.29, as read with the Corrigendum at OJ No. L2, 5.1.2000, p.79.
(**8**) OJ No. L236, 23.9.2003, p.33.
(**9**) OJ No. L362, 20.12.2006, p.94.
(**10**) S.I. 2002/2939 (W.280).