***Changes to legislation:*** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

# 2007 No. 1984 (W.165)

# FOOD, WALES

## The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007

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| *Made - - - -* | *10 July 2007* |
| *Laid before the National Assembly for Wales - -* | *12 July 2007* |
| *Coming into force - -* | *7 August 2007* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(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 Assembly has 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.** These Regulations are called the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007, apply in relation to Wales and come into force on 7 August 2007.

**Commencement Information**

**I1** Reg. 1 in force at 7.8.2007, see **reg. 1**

(**1**) 1990 c. 16. section 1(1) and (2) (definition of "food") was substituted by S.I.2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), "the 1999Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c. 40), Schedule 6 to the 1999 Act and S.I. 2004/2990. 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 and Schedule 11, paragraph 30 of the Government of Wales act 2006 (2006 c. 32).

(**2**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p3).

### Interpretation

**2.**—(1) In these Regulations —

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"food authority" ("*awdurdod bwyd*") has the same meaning as in section 5(1A) and (3)(a) and (b) of the Act;;

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(**3**), a port health authority for that district constituted by order under section 2(4) of that Act;

"the EC Regulation"("*y Rheoliad*") means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods(**4**).

(2) Expressions used in these Regulations and in the EC Regulation have the same meaning in these Regulations as they do in that Regulation.

(3) Any reference to a numbered Article or Annex is a reference to the Article or Annex so numbered in the EC Regulation.

**Commencement Information**
**I2** Reg. 2 in force at 7.8.2007, see **reg. 1**

### Enforcement

**3.** Each port health authority within its district and each food authority within its area will execute and enforce the provisions of these Regulations and of the EC Regulation.

**Commencement Information**
**I3** Reg. 3 in force at 7.8.2007, see **reg. 1**

### Offences and penalties

**4.**—(1) Subject to the transitional measures contained in Article 18 (relating to foods placed on the market before 1 July 2007), any person who contravenes or fails to comply with the provisions of the EC Regulation specified in paragraph (2) is guilty of an offence and liable —

(a) on conviction on indictment to a term of imprisonment not exceeding two years or to a fine or both;

(b) on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding the statutory maximum or both.

(2) The specified provisions referred to in paragraph (1) are —

(a) Article 3(1) (requirement that only vitamins or minerals listed in Annex I and in form listed in Annex II may be added to food) as read with Article 17(1) (transitional application of national rules);

(b) Article 4 (prohibition on addition of vitamins and minerals to certain foods);

(**3**) 1984 c. 22.
(**4**) OJ No. L404, 30.12.2006, p.26.

(c) Article 5(2) (requirement to observe purity criteria);

(d) Article 6(6) (requirement for added vitamins and minerals to be in the food in at least a significant amount as defined); and

(e) Article 7(1), (2) and (3) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).

**Commencement Information**

**I4** Reg. 4 in force at 7.8.2007, see **reg. 1**

### Application of various provisions of the Act

**5.** The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of it is to be construed as a reference to these Regulations —

(a) section 2 (extended meaning of "sale" etc);

(b) section 3 (presumption that food is intended for human consumption);

(c) section 20 (offences due to the fault of another person);

(d) section 21 (defence of due diligence) as it applies for the purposes of section 14 or 15;

(e) section 22 (defence of publication in the course of business);

(f) section 30(8) (which relates to documentary evidence);

(g) section 34 (time limit for prosecution);

(h) section 36 (offences by bodies corporate);

(i) section 36A (offences by Scottish partnerships); and

(j) section 44 (protection of officers acting in good faith.

**Commencement Information**

**I5** Reg. 5 in force at 7.8.2007, see **reg. 1**

### Obstruction of officers and provision of information etc

**6.**—(1) Any person who —

(a) intentionally obstructs any person acting in the execution of these Regulations;

(b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him or her;

is guilty of an offence and liable on summary conviction to a term of imprisonment not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.

(2) Any person who, in purported compliance with any requirement mentioned in paragraph (1)(b), knowingly or recklessly provides information that is materially false or misleading in any material particular, is guilty of an offence and liable —

(a) on conviction on indictment, to a term of imprisonment not exceeding two years or to a fine or both;