

---

STATUTORY INSTRUMENTS

---

**2003 No. 1387**

**The Food Supplements (England) Regulations 2003**

**[<sup>F1</sup>Transitional provision**

**12.—[**

<sup>F2</sup>(1)] In any proceedings for an offence under regulation 9 relating to a breach of regulation 6 or 7 consisting of a contravention of or a failure to comply with regulation 6 (3)(e), it shall be a defence to prove that—

- (a) the food supplement concerned was sold before the 31st October 2012; and
- (b) the matters constituting the alleged offence would not have constituted an offence under those Regulations if the amendments made by regulation 2(2) and (6)(b) of the Food Supplements (England) and Addition of Vitamins, Minerals and Other Substances (England) (Amendment) Regulations 2009 had not been in operation when the food was sold.

**[**

<sup>F3</sup>(2) In any proceedings for an offence under regulation 9 relating to a breach of regulation 6 or 7 consisting of a contravention of, or a failure to comply with, regulation 6(3)(b), it shall be a defence to prove that—

- (a) zinc was used in the manufacture of the food supplement and the food supplement was marked or labelled before 10th February 2023; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations as they had effect immediately before 10th February 2023.]]

**Textual Amendments**

- F1** Reg. 12 added (1.1.2010) by [The Food Supplements \(England\) and Addition of Vitamins, Minerals and Other Substances \(England\) \(Amendment\) Regulations 2009 \(S.I. 2009/3251\)](#), regs. 1, **2(7)**
- F2** Words in reg. 12 renumbered as reg. 12(1) (10.2.2023) by [The Food Supplements and Food for Specific Groups \(Miscellaneous Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/131\)](#), regs. 1(2), **3(2)**
- F3** Reg. 12(2) inserted (10.2.2023) by [The Food Supplements and Food for Specific Groups \(Miscellaneous Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/131\)](#), regs. 1(3), **3(3)**

**Changes to legislation:**

The Food Supplements (England) Regulations 2003, Section 12 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 12(3) inserted by [S.I. 2023/131 reg. 3\(4\)](#)