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## STATUTORY INSTRUMENTS

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**2010 No. 1886**

### **FOOD, ENGLAND**

#### **The Addition of Vitamins, Minerals and Other Substances (England) (Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>22nd July 2010</i>
<i>Laid before Parliament</i>		<i>27th July 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Secretary of State makes 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<sup>(1)</sup>, and now vested in him<sup>(2)</sup>, as read with paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(3)</sup>.

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to the EU instrument mentioned in regulation 3 to be construed as references to that instrument as Annexes I and II to it may be amended from time to time.

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<sup>(4)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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- (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 1999 Act”. Section 48 was also amended by S.I. 2004/2990. 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, S.I. 2004/2990 and S.I. 2004/3279.
- (2) 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. Functions of “the Ministers” 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) as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (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 (1998 c. 46) as read with section 40(2) of the 1999 Act.
- (3) 1972, c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7).
- (4) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14).

### **Title and commencement**

1. These Regulations may be cited as the Addition of Vitamins, Minerals and Other Substances (England) (Amendment) Regulations 2010 and come into force on 1st October 2010.

### **Amendment to the Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007**

2. The Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007<sup>(5)</sup> are amended in accordance with regulation 3.

3. In regulation 2(1) (interpretation) for the definition of “the EC Regulation” substitute the following definition —

““the EC Regulation” 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, as Annex I or II to that Regulation may be amended from time to time<sup>(6)</sup>”.

Signed by authority of the Secretary of State for Health

22nd July 2010

*Anne Milton*  
Parliamentary Under-Secretary of State,  
Department of Health

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<sup>(5)</sup> [S.I. 2007/1631](#), amended by [S.I. 2009/3251](#).

<sup>(6)</sup> OJ No. L404, 30.12.2006, p.26. This Regulation was last amended by [Commission Regulation \(EC\) No 1170/2009](#) (OJ No. L314, 1.12.2009, p.36.).

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## EXPLANATORY NOTE

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

1. These Regulations amend the Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007 ([S.I. 2007/1631](#)) to the effect that where those Regulations mention “the EC Regulation”, that reference will be ambulatory to a specified extent. Any such reference will be to 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 (OJNo. L404, 30.12.2006, p.26) as that Regulation may be amended from time to time by changes made to its Annexes I or II. These Annexes have been previously amended by [Commission Regulation \(EC\) No. 1170/2009](#) (OJ No. L314, 1.12.2009, p.36).

2. A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sectors is foreseen.