
WELSH STATUTORY INSTRUMENTS

2001 No. 1690 (W.120)

FOOD, WALES

**The Infant Formula and Follow-on Formula
(Amendment) (Wales) Regulations 2001**

Made - - - - *1st May 2001*
Coming into force - - *1st July 2002*

In exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ which are now vested in it, the National Assembly for Wales⁽²⁾, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2001 and shall come into force on 1st July 2002.

Amendment of previous Regulations in relation to Wales

2. The Infant Formula and Follow-on Formula Regulations 1995⁽³⁾, in so far as they apply to Wales, shall be amended by the insertion—

(a) in paragraph (2) of regulation 1 (title, commencement and interpretation)—

(i) (after the definition of “advertisement”, “advertise” and “advertising”) of the following definition—

““the Directive” means Commission Directive 91/321/EEC⁽⁴⁾ on infant formulae and follow-on formulae as amended by amendments up to and including those effected by Commission Directive 1999/50/EC⁽⁵⁾

(ii) (after the definition of “Member state”) of the following definition—

(1) 1990 c. 16; Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).
(2) Functions of “the Ministers” under the Food Safety Act 1990, 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).
(3) S.I. 1995/77, to which there are amendments not relevant to these Regulations.
(4) OJNo. L175, 4.7.91, p.35.
(5) OJ No. L139, 2.6.1999, p.29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- ““pesticide residue” has the meaning given by Article 1(2)(e) of the Directive”;
and
- (b) at the end of paragraph (2) of each of regulations 8 and 9 (composition of infant formulae and follow-on formulae), of the words
- “and it shall not—
- (a) if it is manufactured as ready for consumption, contain, or
- (b) if it is not so manufactured, be such that it would, if reconstituted according to its manufacturer’s instructions, contain,
- residues of any individual pesticide at a level exceeding 0.01 mg/kg”.

Signed on behalf of the National Assembly for Wales under section 66 of the Government of Wales Act 1998(6)

1st May 2001

Dafydd Elis Thomas
Presiding Officer National Assembly for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infant Formula and Follow-on Formula Regulations 1995 in relation to Wales, in implementation of Commission Directive [1999/50/EC](#) amending Directive [91/321/EC](#) on infant formulae and follow-on formulae.

The Regulations extend the compositional requirements for such formulae in the 1995 Regulations by adding a requirement that they shall not contain individual pesticide residues above a level of 0.01 mg/kg, measured when ready for use or when reconstituted according to manufacturer's instructions (regulation 2(b)), and make consequential amendments (regulation 2(a)). A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff CF10 1EW