
WELSH STATUTORY INSTRUMENTS

2007 No. 3573

**The Infant Formula and Follow-
on Formula (Wales) Regulations 2007**

Revocation and transitional arrangements

31.—(1) Regulations 4, 5, 6, 7, 13, 14, 14A, 15, 16, 17, 18, 19, 20 and 21 of the 1995 Regulations are revoked in so far as they apply in relation to Wales.

(2) The 1995 Regulations are revoked in so far as they apply in relation to Wales.

(3) No person commits an offence under regulation 28(1) consisting of a contravention of or a failure to comply with—

(a) regulation 3(1) where—

(i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes or fails to comply with regulation 5, 6, 8, 10, 11, 12 or 14(1), (2) or (3), and

(ii) there is no offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to comply with regulation (2)(a)(i) or (ii) of those Regulations;

(b) regulation 3(2), where—

(i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes or fails to comply with regulation 5, 7, 9, 10, 11, 12, or 14(1), (2) or (3), and

(ii) there is no offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to comply with regulation 3(a) or (b) of those Regulations; or

(c) regulation 4, where there is no offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to comply with regulation 2(b)(i) or (ii) of those Regulations.

(4) The 1995 Regulations are amended in so far as they apply in relation to Wales in accordance with paragraph (5).

(5) The following paragraph is added at the end of regulation 22 (offences and enforcement) of the 1995 Regulations—

“(4) No person commits an offence under paragraph (1) consisting of a contravention of or a failure to comply with—

(a) regulation 2(a)(i) or (ii), where there is no offence under regulation 3(1) of the 2007 Regulations consisting of a contravention of or a failure to comply with regulation 5, 6, 8, 10, 11, 12 or 14(1), (2) or (3) of those Regulations;

(b) regulation 2(b)(i) or (ii), where there is no offence under regulation 4 of the 2007 Regulations; or

(c) regulation 3(a) or (b), where there is no offence under regulation 3(2) of the 2007 Regulations consisting of a contravention of or a failure to comply with regulation 5, 7, 9, 10, 11, 12 or 14(1), (2) or (3) of those Regulations.

(5) In this regulation “the 2007 Regulations” means the Infant Formula and Follow-on Formula (Wales) Regulations 2007.”.

(6) In this regulation “the 1995 Regulations” means the Infant Formula and Follow-on Formula Regulations 1995⁽¹⁾.

(1) S.I.1995/77, amended by S.I. 1997/451, S.I. 2001/1690 (W.120) and S.I. 2004/313 (W.31).