

---

DRAFT STATUTORY INSTRUMENTS

---

**2019 No.**

**The Nutrition (Amendment etc.) (EU Exit) Regulations 2019**

**PART 2**

**PROVISION ABOUT FOOD SUPPLEMENTS**

**Food supplements**

- 2.—(1) The following Schedules take effect—
- (a) Schedule 1: Vitamins and minerals which may be used in the manufacture of food supplements;
  - (b) Schedule 2: Vitamin and mineral substances which may be used in the manufacture of food supplements.
- (2) Regulations may be made to amend Schedule 1 or 2.

**Purity criteria for substances listed in Schedule 2**

3. Regulations may be made to set purity criteria for any vitamin and mineral substance listed in Schedule 2.

**Amounts of vitamins and minerals**

- 4.—(1) Regulations may be made to set the maximum amounts of vitamins and minerals that may be present in food supplements per daily portion of consumption as recommended by the manufacturer, taking into account—
- (a) the upper safe levels of vitamins and minerals established by scientific risk assessment based on generally accepted scientific data, taking into account, as appropriate, the varying degrees of sensitivity of different consumer groups;
  - (b) the intake of vitamins and minerals from other dietary sources.
- (2) Regulations may be made to set minimum amounts of vitamins and minerals required to be present in food supplements per daily portion of consumption as recommended by the manufacturer.
- (3) When setting the maximum amounts referred to in paragraph (1), the appropriate authority must take into account reference intakes of vitamins and minerals for the population.

**Regulations: general**

- 5.—(1) Any power to make regulations under this Part is exercisable by the appropriate authority.
- (2) But the power to make regulations under this Part may be exercised by the Secretary of State for the whole or part of the United Kingdom if consent is given by—
- (a) for regulations applying in relation to Scotland, the Scottish Ministers;
  - (b) for regulations applying in relation to Wales, the Welsh Ministers;

- (c) for regulations applying in relation to Northern Ireland, the Department of Health.
- (3) Regulations made under this Part may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
  - (b) make different provision for different purposes.
- (4) In this Part—
  - “appropriate authority” means:
    - (a) for regulations applying in relation to England, the Secretary of State;
    - (b) for regulations applying in relation to Scotland, the Scottish Ministers;
    - (c) for regulations applying in relation to Wales, the Welsh Ministers;
    - (d) for regulations applying in relation to Northern Ireland, the Department of Health;
  - “enactment” includes any enactment of the types specified in the definition of “enactment” in section 20(1) of the European Union (Withdrawal) Act 2018.

#### **Regulations: Secretary of State**

6.—(1) Any power of the Secretary of State to make regulations under this Part is exercisable by statutory instrument.

(2) A statutory instrument containing regulations made under regulation 2 (food supplements) is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing regulations made under regulation 3 (purity criteria for substances listed in Schedule 2) or 4 (amounts of vitamins and minerals) may not be made unless a draft of the instrument has been laid before, and approved by, a resolution of, each House of Parliament.

#### **Regulations: The Scottish Ministers**

7.—(1) For regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(1).

(2) Regulations made by the Scottish Ministers under regulation 2 (food supplements) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(3) Regulations made by the Scottish Ministers under regulation 3 (purity criteria for substances listed in Schedule 2) or 4 (amounts of vitamins and minerals) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

#### **Regulations: The Welsh Ministers**

8.—(1) Any power of the Welsh Ministers to make regulations under this Part is exercisable by statutory instrument.

(2) A statutory instrument containing regulations made under regulation 2 (food supplements) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3) A statutory instrument containing regulations made under regulation 3 (purity criteria for substances listed in Schedule 2) or 4 (amounts of vitamins and minerals) may not be made unless a

---

(1) 2010 asp 10.

draft of the instrument has been laid before, and approved by, a resolution of, the National Assembly for Wales.

### **Regulations: Northern Ireland**

**9.**—(1) Any power of the Department of Health to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(2)</sup>.

(2) Regulations made under regulation 2 (food supplements) by the Department of Health are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> as if they were a statutory instrument within the meaning of that Act.

(3) A statutory rule containing regulations made under regulation 3 (purity criteria for substances listed in Schedule 2) or 4 (amounts of vitamins and minerals) may not be made unless a draft of the regulations has been laid before, and approved by, a resolution of, the Northern Ireland Assembly.

---

(2) S.I. 1979/1573 (N.I. 12), to which there are amendments not relevant to these Regulations.  
(3) 1954 c.33, as amended by S.I. 1999/663.