
STATUTORY INSTRUMENTS

2020 No. 43

FOOD, ENGLAND

FOOD SAFETY

The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020

Made - - - - *at 1.00 p.m. on 27th*
January 2020

Laid before Parliament *at 3.45 p.m. on 27th*
January 2020

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a) and (e) and (2)(b), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990 ^{M1} and now vested in him ^{M2} and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ^{M3}.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food ^{M4}, and food and drink intended for sale for human consumption including the presentation, packaging, labelling, marketing and advertising of such food and drink ^{M5}.

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 certain references to provisions of Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding ^{M6} to be construed as references to those provisions as amended from time to time.

It further appears to the Secretary of State that it is expedient for certain provisions of Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes ^{M7} to be construed as a reference to those provisions as amended from time to time.

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990 ^{M8}.

Changes to legislation: There are currently no known outstanding effects for the *The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, Introductory Text.* (See end of Document for details)

There has been open and transparent public consultation 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^{M9}, during the preparation and evaluation of these Regulations.

Marginal Citations

- M1** 1990 c. 16. Section 6(4) of the Food Safety Act 1990 (“the 1990 Act”) was amended by paragraph 6 of Schedule 9 to the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), [paragraph 10\(3\)](#) of Schedule 5, and Schedule 6 to, the [Food Standards Act 1999 \(c. 28\)](#) (“the 1999 Act”), and [S.I. 2002/794](#). Section 16 of the 1990 Act was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 of the 1990 Act was amended by paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act and [S.I. 2011/1043](#). Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48 was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.
- M2** 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. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by [S.I. 1999/672](#) as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the [Government of Wales Act 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 \(c. 46\)](#) as read with section 40(2) of the 1999 Act.
- M3** 1972 c. 68 (“the 1972 Act”). Section 2(2) of the 1972 Act was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c. 7\)](#). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. It was amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and by [S.I. 2007/1388](#). Paragraph 1A(1) of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by section 3(3) of, and the Schedule to, the European Union (Amendment) Act 2008.
- M4** [S.I. 2003/2901](#), to which there are amendments not relevant to these Regulations.
- M5** [S.I. 2005/2766](#), to which there are amendments not relevant to these Regulations.
- M6** O.J. No. L 25, 2.2.2016, p. 1, as last amended by Commission Delegated Regulation (EU) 2019/828 (O.J. No. L 137, 23.5.2019, p.12).
- M7** O.J. No. L 25, 2.2.2016, p. 30.
- M8** [Section 48\(4A\)](#) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- M9** O.J. No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (O.J. No. L 198, 25.07.2019, p. 241).

Changes to legislation:

There are currently no known outstanding effects for the The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, Introductory Text.