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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1327 (W. 268)**

**FOOD, WALES**

**The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) (Amendment) Regulations 2022**

<i>Made</i>	- - - -	<i>14 December 2022</i>
<i>Laid before Senedd Cymru</i>		<i>15 December 2022</i>
<i>Coming into force</i>	- -	<i>18 January 2023</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 16(1) (a) and (e) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and now vested in them<sup>(2)</sup>.

The Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990<sup>(3)</sup>.

There has been 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<sup>(4)</sup>.

**Title and commencement**

1.—(1) The title of these Regulations is the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 18 January 2023.

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- (1) 1990 c. 16. Sections 16(1) and 48(1) were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28) (“the 1999 Act”). There are other amendments which are not relevant to these Regulations.
- (2) Those functions, formerly exercisable by “the Ministers”, were conferred on 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. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (3) Section 48(4A) was inserted by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act.
- (4) EUR 2002/178. Article 9 requires open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it. There are other amendments to this Regulation which are not relevant to these Regulations.

## **Amendments to the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004**

**2.**—(1) The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004<sup>(5)</sup> are amended as follows.

(2) In Schedule 4 (nutritional substances)—

(a) in paragraph 1 (vitamins) after “Folic acid” insert “Calcium-L-methylfolate”; and

(b) in paragraph 4 (salts of minerals and trace elements)—

(i) after “Ferrous carbonate” insert “Ferrous bisglycinate”; and

(ii) after “Zinc acetate” insert “Zinc chloride”.

*Lynne Neagle*

Deputy Minister for Mental Health and  
Wellbeing, under the authority of the Minister  
for Health and Social Services, one of the Welsh  
Ministers

14 December 2022

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<sup>(5)</sup> S.I. 2004/314 (W. 32); relevant amending instruments are S.I. 2005/3254 (W. 247), S.I. 2007/2753 (W. 232), S.I. 2014/2303 (W. 227), S.I. 2016/639 (W. 175) and S.I. 2018/806 (W. 162).

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## EXPLANATORY NOTE

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

These Regulations amend the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004 ([S.I. 2004/314 \(W. 32\)](#)) (“the 2004 Regulations”), which prohibit the sale of processed cereal-based foods and baby foods for infants and young children, unless they comply with the manufacturing, compositional and labelling requirements set out in those Regulations.

Regulation 2 of these Regulations amends Schedule 4 to the 2004 Regulations to permit the addition of calcium-L-methylfolate, ferrous bisglycinate and zinc chloride in the manufacture of processed cereal-based foods and baby foods. The amendments to Schedule 4 also bring those nutritional substances within the scope of the labelling requirements set out in regulation 8(2) and (3) of the 2004 Regulations.

The Welsh Ministers’ code of practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.