

**2011 No. 3012**

**FOOD, ENGLAND**

**The Transfer of Functions (Food) Regulations 2011**

*Made* - - - - *14th December 2011*

*Laid before Parliament* *19th December 2011*

*Coming into force* - - *16th January 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(e) and (f), 17(1) and (2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a).

In accordance with section 48(4A)(b) of that Act, he has had regard to relevant advice given by the Foods Standards Agency.

**Title, commencement and application**

1.—(1) These Regulations may be cited as the Transfer of Functions (Food) Regulations 2011, and come into force on 16th January 2012.

(2) These Regulations apply in relation to England only.

**Amendment of the Medical Food (England) Regulations 2000**

2. In regulation 3 (restrictions on sale) of the Medical Food (England) Regulations 2000(c), in paragraph (3), sub-paragraph (a), for “the Food Standards Agency” substitute “the Secretary of State”.

**Amendment of the Notification of Marketing of Food for Particular Nutritional Uses (England) Regulations 2007**

3.—(1) The Notification of Marketing of Food for Particular Nutritional Uses (England) Regulations 2007(d) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (i), after the definition of “the Act” insert—  
““the Agency” means “the Food Standards Agency;””.

(3) In regulation 3 (restriction on sale), paragraph (2), sub-paragraph (a), for “the Food Standards Agency” substitute “the Secretary of State”.

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(a) 1990 c.16. Sections 16(1), 17(1) and 48(1) were amended by paragraphs 7, 8, 12(a) and (b) of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”).  
(b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.  
(c) S.I. 2000/845. There are no relevant amendments.  
(d) S.I. 2007/181. Regulation 3 was amended by S.I. 2010/295.

## **Amendment of the Nutrition and Health Claims (England) Regulations 2007**

4. In regulation 3 (competent authorities) of the Nutrition and Health Claims (England) Regulations 2007(a), in paragraph (a), for “the Food Standards Agency” substitute “the Secretary of State”.

## **Amendment of the Infant Formula and Follow-on Formula (England) Regulations 2007**

5.—(1) The Infant Formula and Follow-on Formula (England) Regulations 2007(b) are amended as follows.

(2) In regulation 2 (interpretation) omit the definition of “the Agency”.

(3) In regulation 13 (notification of infant formula) for “the Agency by forwarding to it” substitute “the Secretary of State by forwarding to the Secretary of State”.

Signed by authority of the Secretary of State for Health.

*Anne Milton*  
Parliamentary Under-Secretary of State,  
Department of Health

14th December 2011

### **EXPLANATORY NOTE**

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

These Regulations which apply to England amend the Medical Food (England) Regulations 2000, the Notification of Marketing of Food for Particular Nutritional Uses (England) Regulations 2007, the Nutrition and health Claims (England) Regulations 2007 and the Infant Formula and Follow-on Formula (England) Regulations 2007, by transferring functions under each set of Regulations from the Food Standards Agency to the Secretary of State.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) S.I. 2007/2080.  
(b) S.I. 2007/3521.

£4.00

E2082 12/2011 112082T 19585

ISBN 978-0-11-151831-1



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