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STATUTORY INSTRUMENTS

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**2019 No. 651**

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

**PART 3**

**AMENDMENT OF SUBORDINATE LEGISLATION**

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

- 10.**—(1) The Medical Food (England) Regulations 2000(1) are amended as follows.
- (2) Regulation 2 (interpretation)(2) is renumbered as paragraph (1) of that regulation.
- (3) After paragraph (1) as so renumbered, insert—
- “(2) In these Regulations, any reference to compliance with a provision of the Directive is to be read as a reference to complying with that provision as would be required if the provision formed part of domestic law.
- (3) For the purposes of these Regulations, Articles 4 to 5 of, and the Annex to, the Directive are to be read subject to the modifications set out in Schedule 1.”.
- (4) In regulation 5A(3) (application of the improvement notice provisions of the Act), for “Schedule”, in each place where it appears, substitute “Schedule 2”.
- (5) The Schedule is renumbered as Schedule 2.
- (6) Before Schedule 2 as so renumbered, insert—

“SCHEDULE 1

Regulation 2(3)

Modifications to the Directive

1. The Directive is modified as follows.
2. Article 4(2) is to be read as if for “Article 3 of [Directive 79/112/EEC](#),” there were substituted “Article 9 of Regulation (EU) No 1169/2011”.
3. Article 5 is to be read as if—
  - (a) in paragraph 1—
    - (i) for “where a product is manufactured in a third country” there were substituted “where a product is manufactured outside of the United Kingdom”;
    - (ii) for the first reference to “Member States” there were substituted “territories within the United Kingdom”;
    - (iii) the words “Member States may, if they can demonstrate that notification is not necessary in order to monitor those products efficiently in their territory, not impose that obligation” were omitted.

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(1) [S.I. 2000/845](#), amended by [S.I. 2005/2626](#), [2007/3521](#), [2008/2445](#), [2011/3012](#), [2016/688](#), 2019/.

(2) A relevant amendment to regulation 2 was made by [S.I. 2007/3251](#).

(3) Regulation 5A was inserted by [S.I. 2016/688](#).

(b) in paragraph 2, for “are those referred to in Article 9(4) of [Directive 89/398/EEC](#)” there were substituted–

“are–

- (a) in respect of England, the Secretary of State,
- (b) in respect of Scotland, Food Standards Scotland<sup>(4)</sup>,
- (c) in respect of Wales, the Welsh Ministers,
- (d) in respect of Northern Ireland, the Food Standards Agency<sup>(5)</sup>.”

4. In the Annex, paragraph 4 is to be read as if for “[Directive 91/321/EEC](#) and its subsequent modifications” there were substituted “[Directive 2006/141/EC](#)<sup>(6)</sup>”.

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<sup>(4)</sup> Food Standards Scotland was established by section 1 of the Food (Scotland) Act 2015 ([asp 1](#)).

<sup>(5)</sup> The Food Standards Agency was established by section 1 of the Food Standards Act 1999 ([c. 28](#)).

<sup>(6)</sup> OJNo. L 401, 30.12.2006, p. 1, last amended by Commission Delegated Regulation (EU) 2016/127 (OJ No. L 25, 2.2.2016, p. 1).