
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 8(1) and 23 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a) to (d), (f) and (g) of section 8(2) of that Act), and to make consequential and supplementary provision arising from the withdrawal of the UK from the European Union, and make consequential and supplementary provision relating to the withdrawal.

Section 8C(1)(a) of the 2018 Act is also relied upon in Part 2 which amends the Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651) to ensure that those Regulations do not apply to Northern Ireland and that the amendments made by those Regulations do not relate to Northern Ireland. The Part 2 amendments also ensure that certain amendments made by those Regulations of retained EU law in the field of nutrition and health claims operate effectively. Section 41(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1) is relied upon in regulation 5(2)(d) to substitute “IP completion day” for references to “exit day” in S.I. 2019/651. Regulation 6(6) amends regulation 46 of S.I. 2019/651 so that retained EU law in the field of nutrition and health claims is amended.

Part 3 also amends retained EU law in the field of nutrition and health claims.

Section 8C(1)(c) of the 2018 Act is relied upon in Part 4 in order to revoke the Nutrition (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/650). Those Regulations amended EU-derived domestic legislation. As a consequence of the Protocol on Ireland / Northern Ireland in the EU withdrawal agreement, those amendments are no longer required.

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