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STATUTORY INSTRUMENTS

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**2023 No. 131**

**The Food Supplements and Food for Specific Groups  
(Miscellaneous Amendments) (No. 2) Regulations 2023**

**Amendment to the Food Supplements (Scotland) Regulations 2003**

**4.—**(1) Regulation 12 (transitional provision) of the Food Supplements (Scotland) Regulations 2003<sup>(1)</sup> is amended as follows.

(2) The existing paragraph is re-numbered as paragraph (1).

(3) After the re-numbered paragraph (1), insert—

“(2) In any proceedings for an offence under regulation 9 relating to a breach of regulation 6 or 7 consisting of a contravention of, or a failure to comply with, regulation 6(3)(b), it shall be a defence to prove that—

- (a) zinc was used in the manufacture of the food supplement and the food supplement was marked or labelled before 10th February 2023; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations as they had effect immediately before 10th February 2023.”.

(4) After paragraph (2), insert—

“(3) In any proceedings for an offence under regulation 9 relating to a breach of regulation 6 or 7 consisting of a contravention of, or a failure to comply with, regulation 6(3)(b), it shall be a defence to prove that—

- (a) copper was used in the manufacture of the food supplement and the food supplement was marked or labelled before 10th August 2024; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations as they had effect immediately before 10th August 2024.”.

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(1) [S.S.I. 2003/278](#), amended by [S.S.I. 2009/438](#), which inserted regulation 12, [2014/312](#) and [2019/54](#). There are other amendments which are not relevant to these Regulations.