
WELSH STATUTORY INSTRUMENTS

2016 No. 639

The Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016

Title, application and commencement

1.—(1) The title of these Regulations is the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 2 August 2016.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“the EU Regulation” (“*Rheoliad yr UE*”) means Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009;

“specified EU requirement” (“*gofyniad UE penodedig*”) means a provision of the EU Regulation specified in column 1 of Schedule 1, as read with the provisions in column 2.

(2) Where any functions under the Act are assigned to a port health authority by an order under section 2 of the Public Health (Control of Disease) Act 1984(1), any reference in these Regulations to a food authority is to be construed, so far as relating to those functions, as a reference to the port health authority to which they are assigned.

(3) Any reference to an Article or Annex in these Regulations is a reference to an Article of, or an Annex to, the EU Regulation.

(4) Any reference to a provision of the EU Regulation contained in the table in Schedule 1, except a reference to Article 1(1), is a reference to that provision as amended from time to time.

Enforcement

3. Each food authority must execute and enforce these Regulations within its area.

Application of provisions of the Act

4.—(1) Section 10 of the Act (improvement notices) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modifications specified in Part 1 of Schedule 2.

(2) Section 32 of the Act (powers of entry) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modifications specified in Part 2 of Schedule 2.

(3) Section 35 of the Act (punishment of offences) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modification specified in Part 3 of Schedule 2.

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies to an improvement notice served in relation to a specified EU requirement, with the modifications (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 2.

(5) Section 39 of the Act (appeals against improvement notices) applies to an improvement notice served in relation to a specified EU requirement, with the modification specified in Part 5 of Schedule 2.

(6) The provisions of the Act specified in paragraph (7) apply in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, insofar as they relate to the provisions of the Act specified in and modified by paragraphs (1) to (5).

(7) The provisions of the Act specified for the purposes of this paragraph are—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence);
- (d) section 22 (defence of publication in the course of business);
- (e) section 29 (procurement of samples);
- (f) section 30(8) (which relates to evidence of certificates given by a food analyst or examiner);
- (g) section 33 (obstruction etc. of officers);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships);
- (j) section 44 (protection of officers acting in good faith);

and any reference in those provisions to a section of the Act, including a reference to “any of the preceding provisions of this Part”, is to be read as a reference to such sections of the Act that apply by virtue of, and with the modifications made by, these Regulations.

Revocation

5. The following Regulations are revoked—

- (a) the Notification of Marketing of Food for Particular Nutritional Uses (Wales) Regulations 2007(2);
- (b) regulations 26 and 27 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007(3);
- (c) the Food for Particular Nutritional Uses (Miscellaneous Amendments) (Wales) Regulations 2010(4);
- (d) regulation 3 of the Transfer of Functions (Food) (Wales) Regulations 2014(5).

(2) S.I. 2007/1040 (W. 100).

(3) S.I. 2007/3573 (W. 316), amended by S.I. 2008/2602.

(4) S.I. 2010/363 (W. 45).

(5) S.I. 2014/1102 (W. 110).

Amendments to statutory instruments

6. Schedule 3 has effect.

12 July 2016

Rebecca Evans
Minister for Social Services and Public Health,
under authority of the Cabinet Secretary for
Health, Well-being and Sport, one of the Welsh
Ministers