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STATUTORY INSTRUMENTS

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**2009 No. 3251**

**FOOD, ENGLAND**

**The Food Supplements (England) and Addition  
of Vitamins, Minerals and Other Substances  
(England) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>8th December 2009</i>
<i>Laid before Parliament</i>		<i>11th December 2009</i>
<i>Coming into force</i>	- -	<i>1st January 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1) and (2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in him(2), as read with paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

In accordance with section 48(4A) of the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for any reference to an Annex to Directive [2002/46/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements(4) to be construed as a reference to that Annex as amended from time to time.

As required by Article 9 of Regulation [\(EC\) No. 178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European

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- (1) [1990 c. 16](#); section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#). Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 ([1999 c.28](#)), “the 1999Act”. Section 48 was also amended by [S.I. 2004/2990](#). Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 ([1994 c.40](#)), Schedule 6 to the 1999 Act, [S.I. 2004/2990](#) and [S.I. 2004/3279](#).
  - (2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)) as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([2006 c.32](#)). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 ([1998 c. 46](#)) as read with section 40(2) of the 1999 Act.
  - (3) [1972 c.68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 ([2006 c.51](#)).
  - (4) OJNo. L183, 12.7.2002, p.51, as last amended by [Commission Regulation \(EC\) No. 1170/2009](#) amending Directive [2002/46/EC](#) of the European Parliament and of Council and Regulation [\(EC\) No. 1925/2006](#) of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements (OJ No. L314, 1.12.2009, p.36).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Food Safety Authority and laying down procedures in matters of food safety<sup>(5)</sup> there has been open and transparent public consultation during the preparation of the following Regulations.

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(5) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14).