
WELSH STATUTORY INSTRUMENTS

2007 No. 3573 (W.316)

FOOD, WALES

**The Infant Formula and Follow-
on Formula (Wales) Regulations 2007**

Made - - - - 18 December 2007
*Laid before the National
Assembly for Wales* - - 20 December 2007
Coming into force in accordance with regulation 1

The Welsh Ministers make the following Regulations apart from regulations 2(6) and 24 in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾.

The Welsh Ministers make regulations 2(6) and 24 in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972⁽²⁾.

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food⁽³⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for any reference to an Annex to Commission Directive [2006/141/EC](#) on infant formulae and follow-on formulae and amending Directive [1999/21/EC](#)⁽⁴⁾ to be construed as a reference to that Annex as amended from time to time.

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

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

(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 1999 Act”. Section 48 was also amended by S.I. [2004/2990](#). Section 26(3) was amended by Schedule 6 to the 1999 Act.

(2) [1972 c. 68](#). In relation to Wales, the functions formerly exercised by “the Ministers” (being, in relation to England and Wales and actin 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) were transferred to the National Assembly for Wales by S.I. [1999/672](#) as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by sections 58 and 59 of and paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).

(3) S.I. [2005/1971](#).

(4) OJ No. L401, 30.12.2006, p.1.

Food Safety Authority and laying down procedures in matters of food safety⁽⁵⁾ there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(5) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).