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Gillian Martin
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13 March 2023

Dear Gillian,

The Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/28)

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament agreed on 13th December 2022 that it was content for the Scottish Ministers to give their consent to the proposed GB Statutory Instrument (S.I.), the Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2023 which included devolved matters, as set out in the notification to the Parliament.

This S.I. was laid in the UK parliament on 13th January 2023. Following Parliamentary scrutiny of that instrument, it became apparent that some amendments to it were required. However, these do not affect the policy intention of the S.I. as previously notified to the Scottish Parliament.

These amendments were made by the Food Supplements and Food for Specific Groups (Miscellaneous Amendments) (No. 2) Regulations 2023 (S.I. 2023/131), which was laid in the UK parliament on 8th February 2023. It clarifies the coming into force dates of S.I. 2023/28 and makes provision for a transitional period for food supplements which use zinc or

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copper in the manufacturing process. This is to allow businesses sufficient time to adapt to technical amendments introduced by S.I. 2023/28 regarding the units to be used for labelling these minerals, which must be specified in µg rather than mg from 10 February 2023 (in the case of zinc) and 10 August 2024 (in the case of copper).

Consequently, S.I. 2023/131 amends regulation 12 (transitional provision) of the Food Supplements (Scotland) Regulations 2003 to provide a defence against relevant enforcement proceedings where the products in question were marked or labelled before the end of the relevant transitional periods.

My office consented to the UK government's request to lay the amendment S.I. on Scotland's behalf, as these changes do not affect the intent and purpose of the original legislation to which the Scottish Parliament and my office previously gave consent after usual scrutiny. Therefore, on the whole, I am content to confirm that the S.I. as made is consistent with the notification and the consent given.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Regards,

Maree Todd MSP

cc

Stuart McMillan, Convener of the Delegated Powers and Law Reform Committee

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