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EXPLANATORY MEMORANDUM TO

The Addition of Vitamins, Minerals and Other Substances (Amendment) (Revocation) Regulations (Northern Ireland) 2020

S.R. 2020 No. 341

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Food Standards Agency to accompany the statutory rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule (SR) is made under Articles 15(1)(a) and (f), 16(2), 25(1)(a) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and in accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has had regard to relevant advice given by the Food Standards Agency.

2. Purpose

2.1 This Statutory Rule revokes the Addition of Vitamins, Minerals and Other Substances (Amendment) Regulations (Northern Ireland) 2020 ("the 2020 Regulations")

3. Background

3.1. The 2020 Regulations amended the Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 to allow for the enforcement in Northern Ireland of Article 8 and Annex III of Regulation (EC) No 1925/2006, relating to substances whose use in foods is prohibited, restricted or under Community scrutiny and to specify conditions to ensure dietary intakes of trans fatty acids are as low as possible.

3.2. The purpose of this SR is to revoke the 2020 Regulations due to drafting errors concerning the citation and commencement and the omission of powers, necessary to give effect to ambulatory references.

3.3. A replacement SR will be brought forward promptly, containing the necessary provisions and fixing the drafting errors.

4. Consultation

4.1. Further consultation is not necessary as this SR will revoke the 2020 Regulations and is mechanical in nature. A new SR will be brought forward promptly to replace the 2020 regulations, which were subject to four-week limited, technical consultation.

5. Equality Impact

5.1. This rule has no implications under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A full Impact Assessment has not been prepared as it is not foreseen that these changes will lead to additional costs to industry or through enforcement.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. There is nothing within this Rule which could be construed as being discriminatory.

9. EU Implications

9.1. This rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

10. Parity or Replicatory Measure

10.1. The purpose of this SR is to revoke the 2020 Regulations due to drafting errors concerning the citation and commencement and the omission of powers, necessary to give effect to ambulatory references. A replacement SR will be brought forward promptly, containing the necessary provisions and fixing the drafting errors.

11. Additional Information

11.1. The SR will need to breach the 21-day rule between the laying of the SR before the Northern Ireland Assembly and the SR coming into operation on 30th December 2020. The FSA has informed the Examiner of Statutory Rules in relation to the breach of the 21-day rule regarding the SR in advance of them being signed and laid before the Northern Ireland Assembly.