

A  
**B I L L**

TO

Provide that a specified Community instrument relating to food supplements shall not have effect in the United Kingdom notwithstanding the provisions of the European Communities Act 1972; to revoke secondary legislation giving effect in the United Kingdom to that instrument; to amend the Food Safety Act 1990 in relation to food supplements; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Community instrument relating to food supplements not to have effect in the United Kingdom**

Notwithstanding the provisions of the European Communities Act 1972 (c. 68)—

- (a) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the member States relating to food supplements (“the instrument”), and 5
- (b) any judgment of the European Court of Justice relating to the instrument,

shall not have effect in the United Kingdom. 10

**2 Revocation of secondary legislation giving effect in the United Kingdom to instrument**

The following regulations are revoked—

- (a) the Food Supplements (England) Regulations 2003 (S.I., 2003, No. 1387); 15
- (b) the Food Supplements (Wales) Regulations 2003 (S.I., 2003, No. 1719 (W. 186));
- (c) the Food Supplements (Scotland) Regulations 2003 (S.S.I., 2003, No. 278);
- (d) the Food Supplements Regulations (Northern Ireland) 2003 (S.R.(N.I.), 2003, No. 273). 20

### 3 Amendment of Food Safety Act 1990

- (1) The Food Safety Act 1990 (c. 16) is amended as follows.
- (2) In section 17 (enforcement of Community provisions) after subsection (1) there is inserted –
- “(1A) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the member States relating to food supplements is not a Community obligation for the purposes of this section.” 5
- (3) After section 18 there is inserted –
- “18A Food supplements” 10**
- (1) The appropriate authority shall make regulations –
- (a) prohibiting the sale of any food supplement in the manufacture of which a vitamin or mineral has been used unless that vitamin or mineral –
- (i) is authorised for use in the manufacture of food supplements, and 15
- (ii) is in a form which is so authorised and meets such purity criteria as shall be specified; and
- (b) making such other provision relating to food supplements as it considers appropriate. 20
- (2) Before making regulations under subsection (1) the appropriate authority shall consult –
- (a) such persons or bodies as appear to it to be representative of the interests of complementary medicine, and
- (b) such other persons or bodies as it considers appropriate. 25
- (3) In this section ‘the appropriate authority’ means –
- (a) the Secretary of State (in relation to England);
- (b) the National Assembly for Wales (in relation to Wales);
- (c) the Scottish Ministers (in relation to Scotland); and
- (d) the Department of Health, Social Services and Public Safety (in relation to Northern Ireland).” 30

### 4 Short title and commencement

- (1) This Act may be cited as the Food Supplements (European Communities Act 1972 Disapplication) Act 2005.
- (2) This Act extends to Northern Ireland. 35

# Food Supplements (European Communities Act 1972 Disapplication) Bill

---

---

A

## B I L L

To provide that a specified Community instrument relating to food supplements shall not have effect in the United Kingdom notwithstanding the provisions of the European Communities Act 1972; to revoke secondary legislation giving effect in the United Kingdom to that instrument; to amend the Food Safety Act 1990 in relation to food supplements; and for connected purposes.

*Presented by Mr William Cash  
supported by  
Mr Austin Mitchell, Mr Christopher Chope,  
Mr Richard Shepherd,  
Mr David Heathcoat-Amory, Mr Owen Paterson,  
Mr Bernard Jenkin, Mr Jeffrey M. Donaldson,  
Mr Edward Leigh, Michael Gove  
and Philip Davies.*

---

*Ordered, by The House of Commons,  
to be printed, 19th July 2005.*

---

© Parliamentary copyright House of Commons 2005  
*Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS  
LONDON — THE STATIONERY OFFICE LIMITED  
Printed in the United Kingdom by  
The Stationery Office Limited  
£x.xx