

SL(6)580 – The Bread and Flour (Wales) Regulations 2025

Background and Purpose

These Regulations make provision in relation to bread and flour that is to be sold in, or imported or moved into, Wales. These Regulations revoke and replace (with amendments) the Bread and Flour Regulations 1998 (“the 1998 Regulations”) insofar as those regulations apply in relation to Wales.

The 1998 Regulations establish compositional and labelling requirements for bread and flour. These Regulations amend provisions on the mandatory fortification of non-wholemeal wheat flour by adding folic acid to the list of required substances and update existing requirements for the mandatory addition of calcium carbonate, iron, niacin, and thiamine.

These Regulations also include exemptions for flour produced by small mills, introduce an improvement notice approach to enforcement and contain transitional provision.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In regulation 2, in the definition of “flour”(“blawd”), the English text includes the words “*and includes meal*”. The corresponding Welsh language text reads “ac mae’n cynnwys **blawd**”.

The Welsh Government is asked to confirm whether it considered alternative wording for this provision, in order to distinguish “flour” from “meal” in the Welsh text of the definition.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.



Regulation 7(1) contains exemptions from regulations 3 to 5 for bread and flour produced for exempted uses which include bread for use in the production of food that is for export to a third country.

The Welsh Government is asked to explain whether this particular exempted use is consistent with equivalent exemptions applying in England and Scotland pursuant to regulation 3 of the 1998 Regulations (as amended), which appear to exempt only flour for that purpose (as opposed to both flour and bread).

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In the Table in Schedule 2 to these Regulations, in the Welsh text, "*Cl Pigment White 18; Chalk*" appears in English.

The Welsh Government is asked to clarify whether this text was included intentionally.

4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In the first row of the Table in Schedule 3, the English text reads "*Iron powder **consisting essentially** of finely-divided metallic iron...*".

The Welsh Government is asked to explain:

- a) the meaning conveyed by "*consisting essentially*" in this context; and
- b) whether it considers that the corresponding Welsh language text ("*wedi ei gyfansoddi*") carries equivalent meaning.

5. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

The English text of the entry against 'Solubility' in the Table in Schedule 3 to these Regulations contains the wording "***weight in weight** hydrochloric acid...*".

The Welsh Government is asked to confirm whether the words "weight in weight" have been included in error, given that the Welsh text suggests that the phrase "***by weight of** hydrochloric acid*" should appear in this provision.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

6. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.



The Explanatory Memorandum to these Regulations notes that:

“The Food Standards Agency in Wales (FSA) alongside the Department for Environment, Food and Rural Affairs (Defra), the Food Standards Agency in Northern Ireland and Food Standards Scotland (FSS) worked together on a review of policy relating to bread and flour, this review being conducted under the Food Compositional Standards and Labelling provisional common framework in efforts to align UK policy as far as possible. This work was also undertaken in conjunction with Welsh Government, the Department of Health and Social Care (DHSC), Scottish Government and Department of Health Northern Ireland who have responsibility for matters of public health. The addition of folic acid to flour was also considered by officials from across the UK under the Nutrition Labelling and Composition Standards (NLCS) framework as the addition of vitamins and minerals to food fall in scope of this framework.”

7. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Explanatory Memorandum describes the formal UK-wide consultation which ran from 1 September to 23 November 2023. We also note that discussion of the policy of mandatory fortification of flour with folic acid is longstanding, and was subject to previous consultation in 2019.

The full summary of responses to the 2023 consultation, found on the UK Government's Department for Environment, Food and Rural Affairs website, highlights that varied opinions were raised about mandatory folic acid fortification, including the potential health risks for older people and the potential mitigations, such as accompanying B12 fortification.

Welsh Government response

A Welsh Government response to technical reporting points 1 – 5 is required.

Committee Consideration

The Committee considered the instrument at its meeting on 17 February 2025 and reports to the Senedd in line with the reporting points above.

