



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025</b>
<b>DATE</b>	<b>30 January 2025</b>
<b>BY</b>	<b>Sarah Murphy MS, Minister for Mental Health and Wellbeing</b>

Members of the Senedd will wish to be aware that I have given consent to the Secretary of State to exercise a subordinate legislation making power in a devolved area in relation to Wales.

Consent was sought by Andrew Gwynne MP, the Parliamentary Under-Secretary of State for Public Health and Prevention, to make the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 (“the Regulations”). The Regulations apply across GB.

The purpose of the Regulations is to make substantive reforms, on a GB-wide basis, to the pre-market authorisation processes within certain regulated food and feed product legislative regimes. The Regulations aim to reduce the regulatory burden of the approval process for relevant regulated food and feed products that are subsequently placed on the market in GB.

The Regulations will deliver two main policy proposals:

- the removal of the fixed 10-year authorisation period (and associated renewal processes) from three regulated product regimes
- enable regulated product authorisations to be made by Ministerial decision, rather than being prescribed in regulations by way of statutory instrument. Details of the authorisations will be made available to the public within an official register or list published and maintained by the Food Standards Agency (FSA).

All statutory legislation containing the existing authorisations will be revoked. Existing authorisations will remain valid and continue to have effect by virtue of the transitional

and savings provisions in the Regulations. Publicly accessible details of the existing authorisations will be made available in the FSA's published and maintained lists.

The Regulations will make necessary consequential amendments to certain domestic and assimilated legislation. Existing Welsh subordinate legislation that reference amended legislation will require minor consequential amendments to remain operable. All changes to bilingual Welsh subordinate legislation will be made bilingually.

The Regulations were laid before the UK Parliament by the Secretary of State on 29 January 2025 in exercise of concurrent powers of the Secretary of State in sections 14(1), (3), (4)(a) and (b) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 (the "REUL Act". If approved by Parliament, the Regulations will be made, and will come in to force on 1 April 2025

### **Impact the instrument may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The Regulations do not make any provision that affects the legislative competence of the Senedd.

The Regulations make changes to the executive competence of the Welsh Ministers.

- a) The regulations alter/confer executive functions on the Welsh Ministers (as the "appropriate authority" for Wales) in relation to the granting pre-market authorisations for certain regulated food/feed products/processes, and the modification, suspension or revocation of those authorisations;
- b) The regulations remove or amend various subordinate-legislation functions of the Welsh Ministers (as the "appropriate authority" for Wales).
- c) Provision made by virtue of section 14 REUL Act is not "assimilated law". The making of the Regulations has potential implications for any future use of the powers under the REUL Act in relation to the provisions amended by the Regulations.

The FSA and FSS are charged with protecting public health and risk assess individual authorisations and provide a safety opinion from which risk management advice and recommendations are formed. This process aligns with internationally recognised risk analysis principles and ensures that decisions on a food or feed authorisation are based on the assessment of its safety. Oversight and final decision-making rests with Welsh Ministers in Wales.

Removing the need for SIs would therefore result in a level of scrutiny that is proportionate to the regulation of these products, as the terms of authorisations for regulated products are essentially administrative and purely scientific and technical in nature and do not intrinsically need to be set out in legislation.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in areas of devolved competence. Although the Welsh

Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, providing consent is deemed appropriate. To keep pace with innovation, and in preparation for receiving future applications for innovative products, the FSA wants to ensure the system works efficiently and effectively for applicants.

It is my view that working collaboratively with UK Government on a GB statutory instrument provides a more efficient means of introducing these amendments that have a consistent application across each nation.

On this occasion, I have given my consent to these Regulations for reasons of efficiency, cross-government coordination and consistency.

The Regulations are available here:

<https://www.legislation.gov.uk/ukdsi/2025/9780348268386>