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Health, Social Care and Sport Committee

The Food Supplements (Magnesium L-threonate monohydrate) (Scotland) Regulations 2026 [draft]



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Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care.

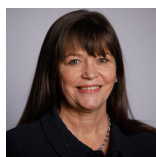


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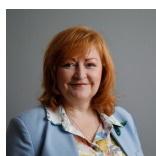
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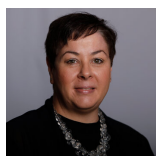
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Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of the following Scottish Statutory Instrument (SSI) at its meeting on 3 February 2026 - [The Food Supplements \(Magnesium L-threonate monohydrate\) \(Scotland\) Regulations 2026](#) [draft].
2. The instrument, laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
3. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will also be published on the Committee's webpages.

The Food Supplements (Magnesium L-threonate monohydrate) (Scotland) Regulations 2026 [draft]

4. The purpose of this instrument (SSI) is to allow the mineral substance Magnesium L-threonate monohydrate, a novel food concurrently authorised in Scotland by the Scottish Ministers under Regulation (EU) 2015/2283, to be used in the manufacture of food supplements. This SSI also sets the purity criteria for this mineral substance.
5. The [Policy Note](#) accompanying the instrument includes a summary of consultation undertaken on the instrument and the anticipated financial effects.
6. The following impact assessments have been carried out in relation to this instrument:
 - [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Delegated Powers and Law Reform Committee Consideration

7. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
8. The DPLR Committee considered the instrument on 20 January 2026 and reported on it in its [8th Report, 2026 \(Session 6\)](#). The DPLR Committee made no recommendations in relation to the instrument.

Health, Social Care and Sport Committee consideration

9. The Health, Social Care and Sport Committee is required to consider and report on the instrument.
10. The Committee took evidence on the instrument from the Minister for Public Health and Women's Health and supporting officials at its meeting on 3 February 2026.
11. The Minister informed the Committee that Magnesium L-threonate monohydrate, as a novel form of Magnesium, may only be used to make food supplements following approval under the novel food regime along with a Scottish Statutory Instrument under the food supplements regime.
12. The Minister went on to advise that Magnesium L-threonate monohydrate had been approved as a novel form of Magnesium for use in food supplements in Scotland and across Great Britain in the wider context, having received a positive safety assessment by the Food Safety Authorities. She further told the Committee that the Ministerial Determination that approves this substance as a novel food was made on 7 January 2026 and would come into force at the same time as the regulations being considered by the Committee.
13. The Minister further advised the Committee that the proposed regulations would allow this substance to be used to make food supplements for sale to consumers in Scotland as intended, by amending the list of permitted mineral substances set out in schedule 2 of the Nutrition (Amendment etc.) (EU Exit) Regulations 2019; and would also set the purity criteria for this mineral substance as required by the Food Supplements (Scotland) Regulations 2003 and in accordance with the novel foods safety assessment specification.
14. The Minister emphasised that the amendments proposed by these regulations were "technical in nature" and "do not amount to any change in policy" but were necessary to ensure this novel form of Magnesium can be used in the manufacture of food supplements as intended. She added that the regulations were a "business facilitative measure" and would have no negative impact on businesses or any other stakeholder group.
15. The Minister informed the Committee that, in alignment with Scotland, comparable regulations had been laid in Wales and were expected to be laid in England in summer 2026.
16. The Minister concluded by calling on the Committee to support the proposed instrument.
17. Following the evidence session, the Minister moved motion [S6M-20368](#):

That the Health, Social Care and Sport Committee recommends that the Food Supplements (Magnesium L-threonate monohydrate) (Scotland) Regulations 2026 [draft] be approved.
18. The motion was agreed to.

19. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Food Supplements (Magnesium L-threonate monohydrate) (Scotland) Regulations 2026 be approved.

