
SCOTTISH STATUTORY INSTRUMENTS

2019 No.

FOOD

**The Food Standards and Food Hygiene (Miscellaneous
Amendments) (Scotland) Regulations 2019**

<i>Made</i>	- - - -	2019
<i>Laid before the Scottish Parliament</i>		2019
<i>Coming into force</i>	- -	2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16, 17 and 48 of the Food Safety Act 1990(a); section 2(2) of, and paragraph 1A of schedule 2 of, the European Communities Act 1972(b); and all other powers enabling them to do so.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotlände in accordance with section 48(4A) and (6) of that Act(d).

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(e).

Citation and commencement

1. These Regulations may be cited as the Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2019, and come into force on [] 2019.

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- (a) 1990 c.16; Section 16 was amended by part 2 section 34(1) of the Food Standards Act 1999 (asp 1)(“the 1999 Act”). Section 17 was amended by paragraphs 8 and 12(a) and (b) of schedule 5 of the 1999 Act and articles 6(1)(e) and 6(2)(c) of S.I. 2011/1043. Section 48 was amended by paragraph 8 of schedule 5 of the 1999 Act. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849) (“the 2005 Order”).
- (b) Paragraph 1A of schedule 2 was inserted by Part 3 section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”) and amended by paragraph 1 of schedule 1 of the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”).
- (c) Section 48(4A) was inserted by paragraph 21 of schedule 5 to the 1999 Act. Section 48(6) was added by paragraph 3(1) of the schedule to the Food (Scotland) Act 2015
- (d) Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act.
- (e) OJ L 31, 1.2.2002, p.1, last amended by Commission Regulation (EU) No 745/2017 (OJ L 2017, 5.5.2017, p.1).

Amendment of the Bread and Flour Regulations 1998

2.—(1) The Bread and Flour Regulations 1998(a) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “flour treatment agent”; and
- (b) in the definition of “food additive”, for “the Miscellaneous Food Additives Regulations 1995” substitute “Article 3(2)(a) of Regulation (EC) No1333/2008 of the European Parliament and of the Council on food additives(b)”.

Amendment of the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001

3.—(1) The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(4) (penalties and enforcement) for the words “paragraphs 1 and 2 of the Annex to Council Directive 85/591/EEC concerning the introduction of community methods of sampling and analysis for the monitoring of foodstuffs for human consumption” substitute “Annex 3 to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as last amended by Commission Regulation (EU) 2018/192(d)”.

(3) Omit regulation 8 (transitional provision).

Amendment of the Cocoa and Chocolate Products (Scotland) Regulations 2003

4.—(1) The Cocoa and Chocolate Products (Scotland) Regulations 2013(e) are amended in accordance with paragraph (2).

(2) Omit regulation 10 (transitional provision).

Amendment of the Specified Sugar Products (Scotland) Regulations 2003

5.—(1) The Specified Sugar Products (Scotland) Regulations 2003(f) are amended in accordance with paragraph (2).

(2) Omit regulation 10 (transitional provision).

Amendment of the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013

6.—(1) The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013(g) are amended in accordance with paragraphs (2), (3) and (4).

(2) Omit regulation 21 (transitional provisions).

(3) In schedule 7, Part 1 (general specification for fruit nectar)—

- (a) in paragraph 1, for “juice” substitute “product”; and
- (b) in paragraph 2, before sub-paragraph (a), for “juices” substitute “products”.

(4) In schedule 9 (authorised additional substances) after paragraph 9, insert—

“**10.** Plant proteins for clarification from—

- (a) wheat,

(a) S.I. 1998/141.

(b) OJ L 354, 31.12.08, p.16.

(c) S.S.I. 2001/38.

(d) OJ L36, 9.2.18, p.15.

(e) S.S.I. 2003/291.

(f) S.S.I. 2003/527.

(g) S.S.I. 2013/305.

- (b) peas,
- (c) potatoes, or
- (d) any combination of them.”.

Amendment of the Jam and Similar Products (Scotland) Regulations 2004

7.—(1) The Jam and Similar Products (Scotland) Regulations 2004(a) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “the 1996 Regulations”(b);
- (b) after the definition of “ginger” —
 - (i) insert ““ingredient” has the same meaning as Article 2(2)(f) of Regulation (EU) No 1169/2011”(c); and
 - (ii) insert ““labelling” has the same meaning as Article 2(2)(j) of Regulation (EU) No 1169/2011”; and
- (c) after the definition of “preparation” insert ““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

(3) In regulation 5(1) (labelling and description of specified jam or similar products)—

- (a) in the words before sub-paragraph (a), omit “Without prejudice to the generality of Part II of the 1996 Regulations,”; and
- (b) in sub-paragraph(b), for “the 1996 Regulations” substitute “Regulation (EU) No 1169/2011”.

(4) In regulation 5(2) (labelling and description of specified jam or similar products)—

- (a) before sub-paragraph (a), omit the words “Without prejudice to the generality of Part II of the 1996 Regulations,”; and
- (b) in sub-paragraph (c), for “Schedule 7 to the 1996 Regulations” substitute “Articles 30 to 35 of Regulation (EU) No 1169/2011”.

(5) Omit regulation 6 (manner of marking or labelling).

(6) In the first schedule (specified jam or similar products and their respective descriptions) insert the number “1” after the word “schedule”.

(7) In the second schedule (permitted additional ingredients and authorised treatments for the products described in items 1 to 7 of Schedule 1) insert the number “2” after the word “Schedule”.

(8) In the second schedule, in paragraph 2(d), for “Directive 95/2/EC” substitute “Regulation (EU) No 1333/2008 of the European Parliament and of the Council on food additives”(d).

Amendment of the Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008

8.—(1) The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008(e) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) in the definition of “Council Regulation 2013” for “means the Regulation of the European Parliament and of the Council adopted on 16 December 2013”

(a) S.S.I. 2004/133.

(b) The food Labelling Regulations 1996 (S.S.I 1996/1499) “the 1996 Regulations” were amended by S.S.I 1998/1398.

(c) OJ L 304, 22.11.2011 p.18.

(d) OJ L 354, 31.12.2008 p.16.

(e) S.S.I. 2008/216.

substitute “means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013”(a).

Amendment of the Condensed Milk and Dried Milk (Scotland) Regulations 2003

9.—(1) The Condensed Milk and Dried Milk (Scotland) Regulations 2003(b) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) omit the definition of “the 1996 Regulations”; and

(b) after the definition of “preparation” insert ““Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”(c).

(3) In regulation 5 (labelling and description of designated products) for “the generality of Part II of the 1996 Regulations,” substitute “Regulation 1169/2011”.

(4) In regulation 6 (manner of marking or labelling) omit paragraph (1).

Amendment of the Products Containing Meat etc. (Scotland) Regulations 2014

10.—(1) The Products Containing Meat etc. (Scotland) Regulations 2014(d) are amended in accordance with paragraph (2).

(2) In paragraph 1 of schedule 1, in the definition of “curing salt” in paragraph (c) for “Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives” substitute “Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives(e) as the Annexes to which are amended from time to time”.

Amendment of the Country of Origin of Certain Meats (Scotland) Regulations 2016

11.—(1) The Country of Origin of Certain Meats (Scotland) Regulations 2016(f) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) omit the definitions of:

(a) “batch”;

(b) “batch code”;

(c) “mass caterer”; and

(d) “trimmings”.

Amendment of the Official Feed and Controls (Scotland) Regulations 2009

12.—(1) The Official Feed and Controls (Scotland) Regulations 2009(g) are amended in accordance with paragraph (2).

(2) In schedule 1 (definitions of EU legislation), at the end of the definition of “Regulation 2074/2005” insert “, as last amended by Commission Regulation (EU) 2017/1973”(h).

(a) OJ L 347, 20.12.2013 p.671.
(b) S.S.I. 2003/311.
(c) OJ L 304, 22.11.2011 p.18
(d) S.S.I. 2014/289.
(e) OJ L 354, 31.12.2008 p.16.
(f) S.S.I. 2016/84.
(g) S.S.I.2009/446.
(h) OJ L 281, 31.10.17 p.21.

Amendment of the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007

13.—(1) The Fishery Products (Official Controls Charges) (Scotland) Regulations 2007(a) are amended in accordance with paragraph (2).

(2) In schedule 1 (definitions of EU legislation), in the definition of “Regulation 2074/2005” before the word “laying” insert “, as last amended by Commission Regulation 2017/1973”.

Amendment of the Food Hygiene (Scotland) Regulations 2006

14.—(1) The Food Hygiene (Scotland) Regulations 2006(b) are amended in accordance with paragraph (2).

(2) In schedule 1 (definitions of EU legislation), at the end of the definition of “Regulation 2074/2005” insert “, as last amended by Commission Regulation (EU) 2017/1973 and Commission Regulation (EU) 2017/2158”(c).

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(a) S.S.I.2007/537.
(b) S.S.I. 2006/3.
(c) OJ L 304, 21.11.17 p.24.

EXPLANATORY NOTE

(This note is not part of the Regulations)

to be completed when draft SSI finalised.

Food Standards Scotland don't consider that there will be an impact on businesses or local authorities regarding the proposed amendments so a Business and Regulatory Impact Assessment has only been done in relation to mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food (Regulation (EU) No 2017/2158).

A full Business and Regulatory Impact Assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL.