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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 152**

**FOOD**

**The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2011**

*Made* - - - - 22nd February 2011  
*Laid before the Scottish Parliament* - - - - 24th February 2011  
*Coming into force* - - 19th March 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency<sup>(2)</sup>.

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<sup>(3)</sup>.

**Citation, commencement and extent**

**1.** These Regulations may be cited as the Food Labelling (Declaration of Allergens) (Scotland) Regulations 2011, come into force on 19th March 2011 and extend to Scotland only.

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- (1) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#); sections 16, 17 and 48 were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c.28), (“the 1999 Act”); section 17 was also amended by paragraph 12 of that Schedule; section 48 was also amended by paragraph 21 of that Schedule and [S.I. 2004/2990](#); amendments made by Schedule 5 to the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not so transferred and insofar as relating to food (including drink) including the primary production of food, 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](#)).
- (2) Section 48(4A) was inserted by section 40(1) and paragraph 21 of Schedule 5 to the 1999 Act.
- (3) O.J. No. L 31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (O.J. No. L 188, 18.7.2009, p.14).

## **Amendment of the Food Labelling Regulations 1996**

2.—(1) The Food Labelling Regulations 1996(4) are amended in accordance with paragraph (2).

(2) In regulation 50 (transitional provision), in paragraph (15)(a)(i) for “31st December 2010” substitute “30th June 2012”.

St Andrew’s House,  
Edinburgh  
22nd February 2011

*S ROBISON*  
Authorised to sign by the Scottish Ministers

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(4) [S.I. 1996/1499](#), as last amended by [S.S.I. 2010/439](#). Regulations 13(8)(c) and 34B and the associated Schedule AA1 were inserted by [S.S.I. 2004/472](#); regulation 34B was amended by [S.S.I. 2008/180](#); Schedule AA1 was amended by [S.S.I. 2008/180](#); regulation 50(15) was amended by [S.S.I. 2008/180](#) and [2009/374](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Food Labelling Regulations 1996 (“the principal Regulations”) in so far as they apply in relation to Scotland. The principal Regulations extend to the whole of Great Britain.

These Regulations implement the amendment made to Commission Directive [2007/68/EC](#) (O.J. No. L 310, 28.11.2007, p.11) by [Commission Regulation \(EC\) No. 1266/2010](#) (O.J. No. L 347, 31.12.2010, p.27). This Directive itself amends Annex IIIa to Directive [2000/13/EC](#) of the European Parliament and of the Council as regards certain food ingredients (O.J. No. L 109, 6.5.2000, p.29). The ingredients in question are those that are likely to cause an allergic reaction in some consumers.

The Regulations amend the principal Regulations in respect of the labelling requirements for foods containing allergenic ingredients, including labelling exemptions for certain processed forms of those ingredients, by extending from 31st December 2010 to 30th June 2012 the transitional period for egg-derived lysozyme and for albumin (produced from egg) or milk (casein) products when used as fining agents in wine, in respect of wines that are marked, labelled or sold before 30th June 2012.

A business and regulatory impact assessment has not been prepared for this instrument as it has no impact on business or the public or third sectors.