
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 616

**The Official Feed and Food Controls
(Scotland) Regulations 2005**

PART 1

PRELIMINARY

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Official Feed and Food Controls (Scotland) Regulations 2005;
- (b) come into force on 1st January 2006; and
- (c) extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“the Agency” means the Food Standards Agency;

“authorised officer”—

- (a) in relation to a competent authority, means any person appointed under regulation 3(1);
and
- (b) in relation to a relevant enforcement authority, means any person appointed under regulation 3(2);

“competent authority” means the authority which, by virtue of regulation 4, is so designated for the purposes of the provisions of Regulation 882/2004 specified in that regulation;

“Directive 2004/41”, “Regulation 178/2002”, “Regulation 1831/2003”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 882/2004” and “Regulation 1688/2005” have the meanings respectively given to them in Schedule 1;

“feed authority” and “food authority” respectively mean a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(1);

“the Official Control Regulations” means these Regulations and Regulation 882/2004;

“premises” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“primary production” has the meaning it bears in Regulation 852/2004;

“relevant enforcement authority” means a body which, by virtue of regulation 18, is made responsible for executing and enforcing regulations 6(3), 10(8), 12, 17, 19(8) and 20;

“relevant feed law” has the meaning given to it in Schedule 2; and

“relevant food law” has the meaning given to it in Schedule 3.

(2) Subject to paragraph (3), any expression other than—

(a) one defined in paragraph (1); and

(b) for the purposes of Part 3 of these Regulations one defined in regulation 23,

(3) Subject to paragraph (1) and, for the purposes of Part 3 of these Regulations to regulation 23, and unless the contrary intention appears, any expression used both in these Regulations and in Regulation 178/2002 or Regulation 882/2004 has the meaning it bears in Regulation 178/2002 or Regulation 882/2004 as the case may be.

Appointment of authorised officers

3.—(1) Competent authorities may in writing appoint as authorised officers, either generally or specially, such persons (whether or not officers of those bodies) as they consider necessary to act in matters arising under the Official Control Regulations.

(2) Relevant enforcement authorities may in writing appoint as authorised officers, either generally or specially, such persons (whether or not officers of those bodies) as they consider necessary to act in matters arising under Part 2 of these Regulations.