

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, provide for the execution and enforcement of certain provisions of Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (“the Council Regulation”).

The Council Regulation repeals a number of other Community instruments and re-enacts their provisions without amendment. These Regulations provide for the enforcement of provisions formerly contained in two of the repealed Community instruments and formerly enforced in two separate statutory instruments. Those statutory instruments are now revoked (regulation 8).

The provisions of the Council Regulation include:

- (a) the requirement that milk and milk products marketed for human consumption must comply with certain specifications as to names and composition (Article 114(1) and Annex XII); and
- (b) the requirement that certain spreadable fats intended for human consumption must comply with specifications relating to their sales description, labelling and presentation, and use of terminology (Article 115 and Annex XV).

The provisions contained in the Council Regulation as regards spreadable fats are supplemented by Commission Regulation (EC) No. 445/2007.

These Regulations also—

- (a) provide an exemption for spreadable fats imported from an EEA State other than a Member State (regulation 3(1));
- (b) specify the required levels for certain vitamins in margarine (regulation 4), subject to an exemption for margarines brought into Scotland from elsewhere in the EEA or the UK that do not comply with national rules (regulation 3(2));
- (c) designate the authorities responsible for enforcement of these Regulations and the Community Regulations mentioned above (regulation 5);
- (d) create a summary offence of failing to comply with the requirements of these Regulations or the relevant Community provisions (regulation 6); and
- (e) apply certain provisions of the Food Safety Act 1990 for the purposes of these Regulations (regulation 7).

No regulatory impact assessment has been prepared in relation to these Regulations as they have no impact on the cost of business.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 2(1) words inserted by [S.S.I. 2019/53 reg. 4\(2\)\(b\)](#)
- reg. 2(1) words inserted by [S.I. 2013/3235 reg. 17\(2\)](#)
- reg. 2(1) words omitted by [S.S.I. 2019/53 reg. 4\(2\)\(a\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/33 reg. 10\(2\)](#)
- reg. 3 omitted by [S.S.I. 2021/477 reg. 4\(2\)](#)
- reg. 3(3) words substituted by [S.I. 2012/1809 Sch. Pt. 3](#)
- reg. 5 words substituted by [S.S.I. 2019/53 reg. 4\(3\)](#)
- reg. 6(1)(b) word substituted by [S.S.I. 2019/53 reg. 4\(4\)\(a\)](#)
- reg. 6(2) word substituted by [S.S.I. 2019/53 reg. 4\(4\)\(b\)](#)
- reg. 6(2)(a) words substituted by [S.I. 2013/3235 reg. 17\(3\)\(a\)](#)
- reg. 6(2)(b)(i) substituted by [S.I. 2013/3235 reg. 17\(3\)\(b\)](#)
- reg. 7(2) word substituted by [S.S.I. 2019/53 reg. 4\(5\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(2)(bc) inserted by [S.I. 2013/3235 reg. 17\(3\)\(c\)](#)
- reg. 9 inserted by [S.S.I. 2021/477 reg. 4\(3\)](#)