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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 167**

**FOOD**

**The Purity Criteria for Colours, Sweeteners and  
Miscellaneous Food Additives (Scotland) Regulations 2009**

<i>Made</i>	- - - -	<i>29th April 2009</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th April 2009</i>
<i>Coming into force</i>	- -	<i>25th May 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and 17(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)<sup>(2)</sup> of that Act, they have had regard to relevant advice given by the Food Standards Agency.

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.—(1) These Regulations may be cited as the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Scotland) Regulations 2009 and come into force on 25th May 2009.

(2) These Regulations 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; section 16(1) was amended by the Food Standards Act 1999 (c. 28) (“the 1999 Act”), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990; amendments made by Schedule 5 to the 1999 Act should 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, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not so 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).
- (2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (3) O.J. No. L 131, 1.2.02, p.1. The Regulation was amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.06, p.3) and by Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.08, p.17).

### **Amendment of the Colours in Food Regulations 1995**

- 2.—(1) The Colours in Food Regulations 1995(4) are amended in accordance with paragraph (2).
- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “Directive 95/45/EC” substitute the following—
- ““Directive 2008/128/EC” means Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs(5);”;
- (b) in the definition of “permitted colour”, for the expression “the annex to Directive 95/45/EC” substitute the expression “Annex I to Directive 2008/128/EC”.

### **Amendment of the Sweeteners in Food Regulations 1995**

- 3.—(1) The Sweeteners in Food Regulations 1995(6) are amended in accordance with paragraph (2).
- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “Directive 95/31/EC” substitute the following—
- ““Directive 2008/60/EC” means Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs;”;
- (b) in the definition of “permitted sweetener”, for the expression “the annex to Directive 95/31/EC” substitute the expression “Annex I to Directive 2008/60/EC”.

### **Amendment of the Miscellaneous Food Additives Regulations 1995**

- 4.—(1) The Miscellaneous Food Additives Regulations 1995(7) are amended in accordance with paragraph (2).
- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “Directive 96/77/EC” substitute the following—
- ““Directive 2008/84/EC” means Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(8) as that Directive stood before the amendment made by Commission Directive 2009/10/EC amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(9);”;
- (b) in the definition of “purity criteria”, in paragraph (a) for the expression “the Annex to Directive 96/77/EC” substitute the expression “Annex I to Directive 2008/84/EC”.

St Andrew’s House,  
Edinburgh  
29th April 2009

*S ROBISON*  
Authorised to sign by the Scottish Ministers

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(4) S.I. 1995/3124, relevantly amended by S.S.I. 2000/131, S.S.I. 2001/422, S.S.I. 2005/94 and S.S.I. 2007/143.

(5) O.J. No. L 6, 10.1.09, p.20.

(6) S.I. 1995/3123, relevantly amended by S.I. 1999/982, S.S.I. 2001/212, S.S.I. 2002/61, S.S.I. 2003/274, S.S.I. 2004/548 and S.S.I. 2007/412.

(7) S.I. 1995/3187, relevantly amended by S.I. 1997/1413, S.I. 1999/1136, S.S.I. 2001/103 and 450, S.S.I. 2003/132, S.S.I. 2004/413 and S.S.I. 2007/412.

(8) O.J. No. L 253, 20.9.08, p.1.

(9) O.J. No. L 44, 13.02.09, p.62.

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## EXPLANATORY NOTE

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

These Regulations provide for the implementation of three new Commission Directives (“the new Directives”) which consolidate existing European Community rules governing the purity criteria for colours, sweeteners and other miscellaneous additives used in food.

These Regulations further amend in relation to Scotland the Colours in Food Regulations 1995, the Sweeteners in Food Regulations 1995 and the Miscellaneous Food Additives Regulations 1995 (“the domestic provisions”).

Implementation of the Directives which the new Directives replace was by reference to them in domestic provisions, and these Regulations therefore update those references.

The new Directives are–

- (a) Commission Directive [2008/128/EC](#) laying down specific purity criteria for colours for use in foodstuffs;
- (b) Commission Directive [2008/60/EC](#) laying down specific purity criteria concerning sweeteners for use in foodstuffs; and
- (c) Commission Directive [2008/84/EC](#) laying down specific purity criteria on food additives other than colours and sweeteners.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.