

This Scottish Statutory Instrument has been made in consequence of the correction of a defect in Commission Regulation (EC) No. 563/2002 which was reflected in S.S.I. 2002/267 and is being issued free of charge to all known recipients of that instrument.

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2002 No. 349

FOOD

**The Contaminants in Food (Scotland) Amendment
Regulations 2002**

<i>Made</i>	<i>23rd July 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd July 2002</i>
<i>Coming into force</i>	<i>24th July 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(a) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a), and of all other powers enabling them in that behalf, having had regard, in accordance with section 48(4A)(b) of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Contaminants in Food (Scotland) Amendment Regulations 2002 and shall come in force on 24th July 2002.

(2) These Regulations shall extend to Scotland only.

Amendment of the Contaminants in Food (Scotland) Regulations 2002

2. The Contaminants in Food (Scotland) Regulations 2002(d) shall be amended in accordance with regulations 3 to 5.

3. In regulation 2(1) (interpretation), for the definition of “the Commission Regulation” there shall be substituted—

““the Commission Regulation” means Commission Regulation (EC) No. 466/2001(e) setting maximum levels for certain contaminants in foodstuffs as amended by Council Regulation (EC) No. 2375/2001(f), Commission Regulation (EC) No. 221/2002(g), Commission Regulation (EC) No. 257/2002(h), Commission Regulation (EC) No. 472/2002(i) as

(a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(2) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; 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) 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 Scotland Act 1998.

(b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(c) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(d) S.S.I. 2002/267.

(e) O.J. No. L 77, 16.3.01, p.1.

(f) O.J. No. L 321, 6.12.01, p.1.

(g) O.J. No. L 37, 7.2.02, p.4.

(h) O.J. No. L 41, 13.2.02, p.12.

(i) O.J. No. L 75, 16.3.02, p.18.

corrected by a corrigendum published on 23rd March 2002^(a) and Commission Regulation (EC) No. 563/2002^(b) as corrected by a corrigendum published on 14th June 2002^(c)”.

4. In regulation 8 (transitional provisions) for “Regulation 3(1)(a)(i), (b)(i) and (c)(i)” there shall be substituted “Regulation 3(1)(a)(i) and (b)(i)”.

5. In regulation 9 for “Regulation 3(1)(a)(ii), (b)(ii) and (c)(ii)” there shall be substituted “Regulation 3(1)(a)(ii) and (b)(ii)”.

Revocations

6. The instruments specified in columns 1 and 2 of the Schedule shall be revoked to the extent specified in column 3 of the Schedule.

MARY MULLIGAN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
23rd July 2002

(a) O.J. No. L 80, 23.3.02, p.42.
(b) O.J. No. L 86, 3.4.02, p.5.
(c) O.J. No. L 155, 14.6.02, p.63.

SCHEDULE
REVOCATIONS

<i>Column 1 Instruments revoked</i>	<i>Column 2 References</i>	<i>Column 3 Extent of revocation</i>
The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983	S.I. 1983/270	The reference to the Lead in Food (Scotland) Regulations 1979 in column 2 of Schedule 2 and the corresponding entries in columns 1 and 3 of that Schedule.
The Food (Revisions of Penalties and Mode of Trial) (Scotland) Regulations 1985	S.I. 1985/1068	The reference to the Lead in Food (Scotland) Regulations 1979 in column 2 of Schedule 1 and the corresponding entries in columns 1 and 3 of that Schedule. The reference to the Lead in Food (Scotland) Regulations 1979 in column 2 of Schedule 2 and the corresponding entry in column 1 of that Schedule.
The Lead in Food (Scotland) Amendment Regulations 1985	S.I. 1985/1438	The whole Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Contaminants in Food (Scotland) Regulations 2002 (“the principal Regulations”) make provision for the enforcement and execution of Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs (O.J. No. L 77, 16.3.2001, p.1, as amended). There is therefore a definition of that Commission Regulation in regulation 2(1) of the principal Regulations which refers to amendments made to that Commission Regulation.

The definition of Commission Regulation (EC) No. 466/2001 in the principal Regulations includes a reference to the amendment effected by Commission Regulation (EC) No. 563/2002 (O.J. No. L 86, 3.4.2002, p.5). An error in Commission Regulation (EC) No. 563/2002 necessitated the issue of a corrigendum to it, which was published on 14th June 2002 (O.J. No. L 155, 14.6.2002, p.63). Regulation 3 gives effect to that corrigendum by amending the definition of “the Commission Regulation” in the principal Regulations.

Regulations 4 and 5 correct minor errors in regulations 8 and 9 of the principal Regulations.

Regulation 6 revokes specified instruments. These revocations supplement the revocations which were effected by the principal Regulations.

No regulatory impact assessment has been prepared in relation to these Regulations.

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