
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 493

The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Amendment Regulations 2003

Amendment of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003

2.—(1) The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003⁽¹⁾ are amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (Prohibition on import)—

(a) in paragraph (1)(a) “, 3.1” shall be omitted;

(b) for paragraph (1)(b) there shall be substituted—

“(b) where those products are the subject of sampling and analysis by an authorised officer of the food authority under regulation 5(3)(b) they are found not to contain Sudan red 1 (CAS No 842-07-9).”; and

(c) in paragraph (3) after “(1)” there shall be inserted “(a)”.

(3) In regulation 4(1) (Prohibition on placing on the market) for “(CAS Nr 842-07-9)” there shall be substituted “(CAS No 842-07-9)”.

(4) In regulation 5(3)(a) (Enforcement) “2.1 and ” shall be omitted.

(5) In regulation 6 (Application of various provisions of the Food Safety Act 1990 and sampling and analysis)—

(a) in paragraph (2)(b) for “4(2)(b)” there shall be substituted “5(2)(b)”;

(b) for paragraph (3) there shall be substituted—

(3) Section 30 (analysis etc. of samples) shall apply for the purposes of these Regulations with the modification that in subsection (1) for “An authorised officer of an enforcement authority who has procured a sample under section 29 above” there shall be substituted “An authorised officer of a food authority who has procured a sample under section 29 above as applied for the purposes of the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 by regulation 6(2) thereof.”.

(6) In regulation 7 (Destruction of illegal hot chilli or hot chilli products)—

(a) in paragraph (1) for “have been imported in contravention of” there shall be substituted “contravene the conditions for import contained in”;

(b) in paragraph (8) for “(6)” there shall be substituted “(7)”;

(c) paragraph (10) shall be omitted.

(7) After regulation 7 (Destruction of illegal hot chilli or hot chilli products) there shall be inserted—

“Costs of analysis, storage and destruction

8. The importer or food business operator responsible for the hot chilli or hot chilli product concerned shall pay on demand the costs incurred in respect of the analysis, storage and destruction of any product pursuant to regulations 3 and 7.”.