
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, revoke the Materials and Articles in Contact with Food Regulations 1987 (S.I. [1987/1523](#), as amended) (“the 1987 Regulations”) and re enact or re enact with amendments certain provisions contained in those Regulations. These Regulations also provide for the enforcement of Regulation (EC) No. [1935/2004](#) of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives [80/590/EEC](#) and [89/109/EEC](#) (“the Community Regulation”).

These Regulations—

- (a) do not apply to those materials and articles described in Article 1.3 of the Community Regulation (regulation 3);
- (b) contain provisions for the enforcement of the Community Regulation (regulation 4);
- (c) provide for designation of the competent authorities for the various purposes identified in the Community Regulation (regulation 5);
- (d) re enact, without substantive amendments, the provisions of the 1987 Regulations relating to vinyl chloride (regulations 6 and 7);
- (e) re enact provisions of the 1987 Regulations relating to regenerated cellulose film (“RCF”), amended as necessary to implement the requirements of Commission Directive [2004/14/EC](#) amending Directive [93/10/EC](#) (regulations 8 & 9);
- (f) in regulation 8—
 - (i) control what substances may be used in the manufacture of RCF, which may vary according to whether or not it is coated with plastics (paragraph (3));
 - (ii) regulate what substances may be used to manufacture plastic coatings for RCF, and under what conditions (paragraph (4));
 - (iii) create a derogation from paragraph (3) in respect of substances used as colourants or adhesives in the manufacture of non-plastic coated RCF (paragraph (5));
 - (iv) create offences in relation to the sale, import or business use of non-compliant RCF (paragraphs (6) & (7)); and
 - (v) create a requirement for RCF, when marketed prior to the retail stage, to be accompanied by a declaration of legislative compliance (paragraph (8));
- (g) in regulation 9—

apply to plastic coated RCF the existing controls (derived from Commission Directive 2002/72 and implemented by the Plastic Materials and Articles in Contact with Food Regulations 1998 (S.I. [1998/1376](#), as amended) (“the 1998 Regulations”) on migration of constituents of plastic materials and articles into food, in particular by—

 - (i) specifying overall migration limits for plastic coated RCF (paragraphs (1) & (2));
 - (ii) applying to plastic coated RCF the specific migration limits applicable to certain substances used in the manufacture of plastic materials and articles (paragraphs (3) & (4)); and

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- (iii) applying the prescribed methods and procedures for checking compliance with migration limits (regulation 9(5) & (6));
- (h) include savings and transitional provisions which–
 - (i) preserve the defences available under the 1987 Regulations for any RCF manufactured before 29th April 1994 that may still be in circulation;
 - (ii) create a defence in relation to RCF manufactured in or imported into the European Community before 29th January 2006 (regulation 10); and
- (i) contain general administrative and enforcement provisions which–
 - (i) penalise contravention of these Regulations or of specified provisions of the Community Regulation and provide a defence in relation to exports (regulation 11);
 - (ii) designate enforcement authorities (regulation 12);
 - (iii) provide for substances to be submitted to the Government Chemist for analysis at the request of the prosecutor or the accused (regulation 13);
 - (iv) apply certain provisions of the Food Safety Act 1990 (regulation 14);
 - (v) make consequential amendments to the 1998 Regulations (regulation 15); and
 - (vi) revoke the 1987 Regulations and subsequent amending legislation (regulation 16).

A regulatory impact assessment, which includes a compliance cost assessment of the effect which these Regulations would have on businesses has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 5NJ.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2007/471](#) reg. 22(b)
- reg. 2(1) words inserted by [S.S.I. 2006/314](#) reg. 23(2)(b)
- reg. 2(1) words inserted by [S.S.I. 2006/517](#) reg. 24(2)(a)(b)
- reg. 2(1) words omitted by [S.S.I. 2006/314](#) reg. 23(2)(a)
- reg. 8(2) words inserted by [S.S.I. 2006/517](#) reg. 24(3)(a)
- reg. 8(4) substituted by [S.S.I. 2006/517](#) reg. 24(3)(b)
- reg. 8(4) words substituted by [S.S.I. 2006/314](#) reg. 23(3)
- reg. 9(3) words substituted by [S.S.I. 2006/314](#) reg. 23(4)(a)
- reg. 9(3) words substituted by [S.S.I. 2006/517](#) reg. 24(4)(a)
- reg. 9(3)(b) words substituted by [S.S.I. 2006/314](#) reg. 23(4)(b)
- reg. 9(3)(b) words substituted by [S.S.I. 2006/517](#) reg. 24(4)(b)
- reg. 9(5) words substituted by [S.S.I. 2006/314](#) reg. 23(5)
- reg. 9(5) words substituted by [S.S.I. 2006/517](#) reg. 24(4)(c)
- reg. 10(2) words substituted by [S.S.I. 2006/517](#) reg. 24(5)
- reg. 15 revoked by [S.S.I. 2006/314](#) reg. 24(g)