

**2005 No. 277**

**FOOD**

**The Contaminants in Food (Scotland) Amendment  
Regulations 2005**

<i>Made</i> - - - -	<i>25th May 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>26th May 2005</i>
<i>Coming into force</i> - -	<i>17th June 2005</i>

The Scottish Ministers in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and (2), 26(1)(a) 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, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Contaminants in Food (Scotland) Amendment Regulations 2005 and shall come into force on 17th June 2005.

(2) These regulations extend to Scotland only.

**Amendment to the Contaminants in Food (Scotland) Regulations 2004**

2. The Contaminants in Food (Scotland) Regulations 2004(c) are amended in accordance with regulation 3.

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(a) 1990 c.16; section (1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; 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(1) and (2) 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 of the 1999 Act shall 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 insofar 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).

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

(c) S.S.I. 2004/525.

3. In regulation 2(1), in the definition of “the Commission Regulation” after “Commission Regulation (EC) No. 455/2004” insert “, Commission Regulation (EC) No. 655/2004(a), Commission Regulation (EC) No. 683/2004(b)”.

St Andrew’s House,  
Edinburgh  
25th May 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

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(a) O.J. No. L 104, 8.4.04, p.48.  
(b) O.J. No. L 106, 15.4.04, p.3.

## **EXPLANATORY NOTE**

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

These Regulations which extend to Scotland only, amend the Contaminants in Food (Scotland) Regulations 2004 (S.I. 2004/525) (“the principal Regulations”).

The Regulations provide for the enforcement of Commission Regulation (EC) No. 655/2004 amending Regulation (EC) No. 466/2001 (O.J. No. L 77, 16.3.01, p.1) as regards nitrates in foods for infants and young children and Commission Regulation (EC) No. 683/2004 amending Regulation (EC) No. 466/2001 as regards aflatoxins and ochratoxin A in foods for infants and young children (regulation 3).

A regulatory impact assessment which includes a compliance cost assessment of the effect which these Regulations would have on business costs has been prepared for these Regulations and has been 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 6NJ.

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