

2005 No. 435

FOOD

**The Food Safety (General Food Hygiene) Amendment
(Scotland) Regulations 2005**

Made - - - - - *7th September 2005*

Laid before the Scottish Parliament *8th September 2005*

Coming into force - - - *30th September 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(d) and (f), 19(1)(b), 26(2)(a) and (d) 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 following 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(c), hereby make the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Food Safety (General Food Hygiene) Amendment (Scotland) Regulations 2005, come into force on 30th September 2005 and extend to Scotland only.

Amendment of the Food Safety (General Food Hygiene) Regulations 1995

2. The Food Safety (General Food Hygiene) Regulations 1995(d) are amended by omitting paragraphs 6(1) and 7 of Schedule 1A (licensing of butchers' shops in Scotland).

(a) 1990 c.16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990; sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (c.28) ("the 1999 Act"), Schedule 5, paragraph 8; 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) O.J. No. L 31, 1.2.02, p.1 as last 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).

(d) S.I. 1995/1763. Schedule 1A was inserted by S.S.I. 2000/93.

Transitional provision

3. Subject to paragraphs 6(2) and 9 of Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995, a licence issued under that Schedule, which is in force immediately before the coming into force of these Regulations, shall remain in force until 31st December 2005.

St Andrew's House,
Edinburgh
7th September 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Food Safety (General Food Hygiene) Regulations 1995 (“the 1995 Regulations”).

The Regulations revoke paragraphs 6(1) and 7 of Schedule 1A to the 1995 Regulations (regulation 2). Paragraph 6(1) provides that a licence issued in relation to a butcher’s shop remains in force for a period of one year. Paragraph 7 of that Schedule makes provision for the commencement of that period in cases of renewal of licences of shorter duration.

They also provide that, subject to paragraphs 6(2) (cessation of licence on change of proprietor) and 9 (suspension and revocation of licences) of Schedule 1A to the 1995 Regulations, licences in force before the coming into force of these Regulations continue in force until 31st December 2005 (regulation 3).

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