

2007 No. 470

FOOD

**The Contaminants in Food (Scotland) Amendment
Regulations 2007**

<i>Made</i> - - - -	<i>22nd October 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd October 2007</i>
<i>Coming into force</i> - -	<i>14th November 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), 17(2) and 48(1) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency(b).

There has been 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).

Citation and commencement

1. These Regulations may be cited as the Contaminants in Food (Scotland) Amendment Regulations 2007 and come into force on 14th November 2007.

Amendment of the Contaminants in Food (Scotland) Regulations 2007

2. In regulation 2 (interpretation) of the Contaminants in Food (Scotland) Regulations 2007(d), for the definition of “the Commission Regulation” substitute—

““the Commission Regulation” means Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs(e), as amended by Commission Regulation (EC) No. 1126/2007 amending Regulation (EC) No. 1881/2006 setting

(a) 1990 c.16. Sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (c.28) (“the 1999 Act”), section 40(1) and Schedule 5, paragraph 8; section 17(2) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 12; section 48(4) is disapplied in respect of these Regulations by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State, so far 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 the 1999 Act, section 40(1) and Schedule 5, paragraph 21.

(c) O.J. No. L 31, 1.2.2002, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.2003, p.4) and Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.06, p.3.)

(d) S.S.I. 2007/29.

(e) O.J. No. L 364, 20.12.2006, p.5.

maximum levels for certain contaminants in foodstuffs as regards *Fusarium* toxins in maize and maize products^(a).”.

St Andrew's House
Edinburgh
22nd October 2007

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(a) O.J. No. L 255, 29.9.2007, p.14.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Contaminants in Food (Scotland) Regulations 2007 (S.S.I. 2007/29) (“the 2007 Regulations”). They make provision for the execution and enforcement of Commission Regulation (EC) No. 1126/2007 amending Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards *Fusarium* toxins in maize and maize products.

The Regulations amend the definition of “the Commission Regulation” in the 2007 Regulations so as to include the amendments effected by Commission Regulation (EC) No. 1126/2007 (*regulation 2*).

A full regulatory assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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