
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 471

FOOD

**The Materials and Articles in Contact
with Food (Scotland) 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>for the purpose of regulations 5, 7 and 15(1)(b)</i>		<i>1st August 2008</i>
<i>for all other purposes</i>		<i>16th November 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(2), 17(1) and (2), 26(1)(a) and (3), 31 and 48(1) of the Food Safety Act 1990⁽¹⁾ and paragraph 1A of Schedule 2 to the European Communities Act 1972⁽²⁾ and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Scottish Ministers that it is expedient for the references to Community instruments specified in regulation 2(4) to be construed as references to those instruments as amended from time to time.

In accordance with section 48(4A) of the 1990 Act the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency⁽³⁾.

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⁽⁴⁾.

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- (1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990; sections 16 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8; section 17 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 12; section 26(3) was repealed in part by the 1999 Act, Schedule 6; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I.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 to the 1999 Act should 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, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far 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).
- (2) 1972 c. 68; paragraph 1A was inserted by the Legislative and Regulatory Reform Act 2006 (c. 51), section 28.
- (3) Section 48(4A) was inserted by section 40(1) and paragraph 21 of Schedule 5 to the 1999 Act.
- (4) O.J. No. L 31, 1.2.02, p.1. The Regulation was 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) and Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.06, p.3).

Status: *This is the original version (as it was originally made).*
