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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 273**

**FOOD**

**The Natural Mineral Water, Spring Water and Bottled  
Drinking Water (Scotland) Amendment Regulations 2009**

*Made* - - - - 8th July 2009  
*Laid before the Scottish  
Parliament* - - - - 9th July 2009  
*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17(1), 26(1)(a), 31 and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act the Scottish Ministers have taken into account relevant advice given by the Food Standards Agency<sup>(2)</sup>.

There has been a 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<sup>(3)</sup>.

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- (1) 1990 c.16; section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#); section 16(1) was amended by the Food Standards Act 1999 ([c.28](#)), Schedule 5, paragraph 8; section 17(1) and (2) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 48(1) was amended by the 1999 Act, Schedule 5, paragraph 8; 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 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, 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, and in so far as relating to food (including drink) including the primary production of food, 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) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (3) O.J. No. L 31, 1.2.02, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council O.J. No. L 245, 29.9.03, and by Commission Regulation (EC) No. 575/2006 O.J. No. L 100, 8.4.06, p.3, and by Commission Regulation (EC) No. 202/2008, L 60, 5.3.08, p.17.