

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 30**

**FOOD**

**The Plastic Materials and Articles in Contact  
with Food (Scotland) Regulations 2009**

*Made* - - - - 3rd February 2009  
*Laid before the Scottish  
Parliament* - - - - 4th February 2009  
*Coming into force* - - 7th March 2009

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for references to the Annexes to the Community instrument referred to in regulation 2(5) to be construed as references to those Annexes as amended from time to time.

In accordance with section 48(4A) of the Food Safety Act 1990, they have had regard to relevant advice given by the Food Standards Agency<sup>(3)</sup>.

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<sup>(4)</sup>.

---

(1) 1990 c. 16; section 1(1) and (2) (definition of “food”) was substituted by S.I.2004/2990; sections 16(2) and 48(1) were amended by the Food Standards Act 1999 (c. 28) (“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 26(3) was amended by the 1999 Act, Schedule 6 and is to be read with section 45 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 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 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 insofar 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) 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 paragraph 21 of Schedule 5 to the 1999 Act.

(4) 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, p.4), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 7.4.06, p.3) and Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.08, p.17).