

**2010 No. 308**

**FOOD**

**The Addition of Vitamins, Minerals and Other Substances  
(Scotland) Amendment Regulations 2010**

<i>Made</i>	- - - -	<i>24th August 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>25th August 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a) and paragraph 1A of Schedule 2 to the European Communities Act 1972(b) 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 EU instrument mentioned in regulation 3 to be construed as references to that instrument as amended from time to time by amendments to Annexes I and II of that instrument.

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

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; sections 16(1), 17(2) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”); section 17(2) was also amended by paragraph 12 of Schedule 5 to the 1999 Act; section 26(3) was amended by Schedule 6 to the 1999 Act; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990; by virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 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, relevant 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) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7). The functions conferred on a Minister of the Crown under section 2(2) of the 1972 Act, in so far as exercisable 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, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005.
- (c) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

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(a).

### **Citation and commencement**

1. These Regulations may be cited as the Addition of Vitamins, Minerals and Other Substances (Scotland) Amendment Regulations 2010 and come into force on 1st October 2010.

### **Amendment of the Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007**

2. The Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007(b) are amended in accordance with regulation 3.

3. In regulation 2(1) (interpretation) for the definition of “the EC Regulation” substitute—

““the EC Regulation” means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods, as that Regulation may be amended from time to time by amendments to Annex I or II(c).”.

*SHONA ROBISON*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
24th August 2010

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(a) O.J. No. L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (O.J. No. L 188, 18.7.2009, p.14).

(b) S.S.I. 2007/325; amended by S.S.I. 2009/438.

(c) O.J. No. L 404, 30.12.2006, p.26, as last amended by Commission Regulation (EC) No. 1170/2009 (O.J. No. L 314, 1.12.2009, p.36).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 to the effect that where those Regulations refer to “the EC Regulation”, that reference will be ambulatory to a specified extent. Any such reference will be to Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods as that Regulation may be amended from time to time by changes made to its Annexes I (vitamins and minerals which may be used in the manufacture of food supplements) or II (vitamin and mineral substances which may be used in the manufacture of food supplements). Those Annexes have been previously amended by Commission Regulation (EC) No. 1170/2009.

No impact assessment has been prepared for this instrument as it has no impact on the costs of business.

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