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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 328**

**FOOD**

**The Food Irradiation (Scotland) Amendment Regulations 2010**

*Made* - - - - *15th September 2010*  
*Laid before the Scottish*  
*Parliament* - - - - *17th September 2010*  
*Coming into force* - - *20th October 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1) and (3), 17(1), 18(1)(c), 19(1)(b), 26 and 48(1) of, and paragraphs 1 and 4(b) of Schedule 1 to, 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 had regard to relevant advice given by the Food Standards Agency<sup>(2)</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>(3)</sup>.

**Citation and commencement**

**1.** These Regulations may be cited as the Food Irradiation (Scotland) Amendment Regulations 2010 and come into force on 20th October 2010.

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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(1), 18(1), 19(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”); section 17(1) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act; section 26(3) was amended by Schedule 6 to the 1999 Act and is 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; by virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to the 1999 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).
- (2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (3) O.J. No. L 31, 1.2.2002, p.1, 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).

### **Amendment of the Food Irradiation (Scotland) Regulations 2009**

2. The Food Irradiation (Scotland) Regulations 2009(4) are amended in accordance with regulations 3 to 6.

3. In regulation 10(1)(a) (offences and penalties) for “6 months” substitute “12 months”.

4. In Schedule 2 (licences) for paragraph 15(1)(b) (requirements and prohibitions to be observed by a licensee) substitute—

“(b) its batch number;”.

5. For Schedule 3 (list of approved facilities in member States) substitute the Schedule set out in Schedule 1 to these Regulations.

6. For Schedule 4 (list of facilities in a country outside the European Community) substitute the Schedule set out in Schedule 2 to these Regulations.

### **Application of regulation 3**

7. The amendment made by regulation 3 does not apply in relation to proceedings commenced prior to 20th October 2010.

St Andrew’s House,  
Edinburgh  
15th September 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 5

REPLACEMENT SCHEDULE 3 TO THE FOOD  
IRRADIATION (SCOTLAND) REGULATIONS 2009

“SCHEDULE 3

Regulations 3(1) and 5(1)(b)(i)

LIST OF APPROVED FACILITIES IN MEMBER STATES

<i>Official reference number</i>	<i>Name and address</i>
2110/91/0004	Sterigenics SA Zoning Industriel B-6220 Fleurus Belgium
01/23.05.2008	BULGAMMA SOPHARMA Ltd Iliensko Shosse Str.16 Sofia Bulgaria
IR-02-CZ	BIOSTER a.s. Tejny 621 664- 71 Veverska Bityska Czech Republic
SN 01	Gamma-Service Produktbestrahlung GmbH Juri—Gagarin Strasse 15 D-01454 Radeberg Germany
BY FS 01/2001	Isotron Deutschland GmbH Kesselbodenstrasse 7 D-85391 Allershausen Germany
NRW-GM 01 and NRW-GM 02	BSG Beta-Gamma-Service GmbH & Co. KG Fritz-Kotz-Str.16

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<i>Official reference number</i>	<i>Name and address</i>
	D-51674 Wiehl Germany
D-BW-X-01	Beta-Gamma-Service GmbH & Co. KG John-Deere-Strasse 3 D-76646 Bruchsal Germany
500001/CU	Ionmed Esterilización, SA Santiago Rusiñol 12. Madrid Antigua Cntra Madrid-Valencia KM 83.7. Tarancón Cuenca Spain
5.00002/B	ARAGOGAMMA S.A. Salvador Mundi 11, bajo. 08017 Barcelona Carretera Granoolers a Cardedeu km 3,5. 08520 Les Franqueses dès Vallés Barcelona Spain
13055 F	Isotron France SAS Rue Jean Queillau Marché des Arnavaux F-13014 Marseille Cedex 14 France
01 142 F	Ionisos SA Zone Industrielle les Chartinières F-01120 Dagneux France

<i>Official reference number</i>	<i>Name and address</i>
72 264 F	Ionisos SA Zone Industrielle de l'Aubrée F-72300 Sablé-sur-Sarthe France
85 182 F	Ionisos SA ZI Montifaud F-85700 Pouzauges France
10 093 F	Ionisos SA Zone Industrielle F-10500 Chaumesnil France
EU-AIF-04-2002	AGROSTER Besugárzó Részvénytársaság Budapest X Jászberényi út 5 H-1106 Hungary
RAD 1/04 IT	GAMMARAD ITALIA SPA Via Marzabotto, 4 Minerbio (BO) Italy
GZB/VVB-991393 Ede	Isotron Nederland BV Morsestraat 3 6716AH Ede Netherlands
GZB/VVB-991393 Etten-Leur	Isotron Nederland BV Soevereinsstraat 2 4879NN Etten-Leur

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<i>Official reference number</i>	<i>Name and address</i>
	Netherlands
GIS-HZ-4434-W.-3/MR/03	Institute of Nuclear Chemistry and Technology 16 Dorodna Str. 03-195 Warsaw Poland
GIS-HZ-4434-W.-2/MR/03	Institute of Applied Radiation Chemistry Technical University of Lodz 15 Wróblewskiego Str. 39-590 Lodz Poland
RG016/2008	Multipurpose Irradiation Facility IRASM Technological Irradiations Department Horia Hulubei National Institute for Research and Development of Physics and Nuclear Engineering Atomistilor Street No. 407 PO Box MG-6 Magurele, Ilfov County Romania
EW/04	Isotron Limited Moray Road Elgin Industrial Estate Swindon Wilts SN2 8XS United Kingdom”

SCHEDULE 2

Regulation 6

REPLACEMENT SCHEDULE 4 TO THE FOOD  
IRRADIATION (SCOTLAND) REGULATIONS 2009

“SCHEDULE 4

Regulation 5(1)(b)(ii)

LIST OF FACILITIES IN COUNTRIES OUTSIDE THE EUROPEAN UNION

<i>Official reference number</i>	<i>Name and address</i>
EU-AIF 01-2002	HEPRO Cape (Pty) Ltd 6 Ferrule Avenue Montague Gardens Milnerton 7441 Western Cape Republic of South Africa
EU-AIF 02-2002	Gammaster South Africa (Pty) Ltd PO Box 3219 5 Waterpas Street Isando Extension 3 Kempton Park 1620 Johannesburg Republic of South Africa
EU-AIF 03-2002	Gamwave (Pty) Ltd PO Box 26406 Isipingo Beach Durban 4115 Kwazulu-Natal Republic of South Africa
EU-AIF 05-2004	Gamma-Pak As Yünsa Yolu N: 4 0SB Cerkezköy/TEKIRDAG TR-59500 Turkey

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<i>Official reference number</i>	<i>Name and address</i>
EU-AIF 06-2004	Studer Agg Werk Hard Hogenweidstrasse 2 Däniken CH-4658 Switzerland
EU-AIF 07-2006	Thai Irradiation Centre Thailand Institute of Nuclear Technology (Public Organisation) 37 Moo 3, TECHNOPOLIS Klong 5, Klong Luang Pathumthani 12120 Thailand
EU-AIF 08-2006	Isotron (Thailand) Ltd Bangpakong Industrial Park (Amata Nakorn) 700/465 Moo 7, Tambon Donhuaroh, Amphur Muang, Chonburi 20000 Thailand
EU-AIF 09-2010	Board of Radiation and Isotope Technology Department of Atomic Energy BRIT/BARC Vashi Complex Sector 20, Vashi Navi Mumbai – 400 705 (Maharashtra) India
EU-AIF 10-2010	Board of Radiation and Isotope Technology ISOMED Bhabha Atomic Research Centre South Site Gate, Refinery Road Next to TATA Power Station, Trombay Mumbai – 400 085 (Maharashtra)



<i>Official reference number</i>	<i>Name and address</i>
	India
EU-AIF 11-2010	Microtrol Sterilisation Services Pvt. Ltd Plot No. 14 Bommasandra- Jigani Link Road Industrial Area KIADB, Off Hosur Road Hennagarra Post Bengalooru – 562 106 (Karnataka) India”

## EXPLANATORY NOTE

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

These Regulations amend the Food Irradiation (Scotland) Regulations 2009 to give effect to:–

- (a) Commission Decision 2010/172/EU amending Decision [2002/840/EC](#) as regards the list of approved facilities in third countries for the irradiation of foods (O.J. No. L 75, 23.3.2010, p.33); and
- (b) undated Commission list of approved facilities for the treatment of foods and food ingredients with ionising radiation in the member States<sup>(5)</sup> replacing Commission list of such facilities of 3 September 2004.

These Regulations amend the Food Irradiation (Scotland) Regulations 2009 by—

- (a) substituting for “6 months” in regulation 10(1)(a) (offences and penalties) the period of “12 months” so as to bring the penalty of imprisonment on summary conviction into line with section 45 of the Criminal Proceedings etc. (Reform) (Scotland) Act [2007 \(asp 6\)](#) (regulation 3);
- (b) substituting a new paragraph 15(1)(b) in Part 3 (requirements and prohibitions to be observed by a licensee) of Schedule 2 (licences) (regulation 4);
- (c) substituting for Schedule 3 (list of approved facilities in member States) a revised Schedule 3 containing a modified list of approved facilities in member States (regulation 5); and
- (d) substituting for Schedule 4 (list of facilities in a country outside the European Community) a revised Schedule 4 adding three new facilities to the list of the approved facilities in countries outside the European Union (regulation 6).

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(5) Published on the Commission website via [http://ec.europa.eu/food/food/biosafety/irradiation/comm\\_legisl\\_en.htm](http://ec.europa.eu/food/food/biosafety/irradiation/comm_legisl_en.htm). A hard copy may be obtained from the European Commission, Directorate General for Health and Consumers, B-1049 Brussels, Belgium.

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