
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 48

The Food for Particular Nutritional Uses (Miscellaneous Amendments) (Scotland) Regulations 2010

Amendment of the Notification of Marketing of Food for Particular Nutritional Uses (Scotland) Regulations 2007

3.—(1) The Notification of Marketing of Food for Particular Nutritional Uses (Scotland) Regulations 2007⁽¹⁾ are amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation (2) (interpretation), for the definition of “the Directive” substitute—

““the Directive” means Directive 2009/39 of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses, as amended from time to time;”.

(3) In regulation 3 (restriction on sale)—

(a) for paragraph (1) substitute—

“(1) No person who, in respect of a PNU food product of a particular type—

(a) is a manufacturer or an importer referred to in Article 11 of the Directive, but

(b) has failed to comply with—

(i) a requirement to notify the competent authority, as referred to in sub-paragraph (a) or (b) of paragraph (1) of that Article, or

(ii) a requirement to produce anything to the competent authority, as referred to in sub-paragraph (c) of paragraph (1) of that Article,

shall sell a PNU food product of that type.”; and

(b) in paragraph (2)(b) for “Article 9” substitute “Article 11”.

(4) In paragraph (1) of regulation 4 (declaration), for “Article 1(2)” substitute “Article 1(2) and (3)”.