
EXPLANATORY NOTE

(This note is not part of the Order)

Section 39 of the Civic Government (Scotland) Act 1982 relates to street traders' licences. Section 39(4), as amended by section 175 of the Criminal Justice and Licensing (Scotland) Act 2010, provides that a street trader's licence cannot be granted by the licensing authority unless there is produced to them a certificate by the food authority (which, under section 5(2) of the Food Safety Act 1990, means, in Scotland, a local authority) stating that the vehicle, kiosk or moveable stall complies with such requirements as the Scottish Ministers may specify.

Article 2 of this Order specifies that the food authority must state that the vehicle, kiosk or moveable stall complies with all relevant requirements of certain EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 ([S.S.I. 2006/3](#)).

Section 50 of the Licensing (Scotland) Act provides what certificates must accompany a premises licence application. Section 50(7), as amended by section 186 of the Criminal Justice and Licensing (Scotland) Act 2010, specifies that a food hygiene certificate is a certificate signed on behalf of the appropriate authority (as defined in section 50(8)) stating that the subject premises (that is the premises which are the subject of the application for a premises licence) comply with such requirements as the Scottish Ministers may specify.

Article 3 of this Order specifies that a food hygiene certificate is a certificate signed by the appropriate authority which states that the subject premises comply with all relevant requirements of certain EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006 ([S.S.I. 2006/3](#)).