
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 318

FOOD

**The Materials and Articles in Contact
with Food (Scotland) Regulations 2012**

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| | <i>22nd November</i> |
| <i>Made</i> - - - - | <i>2012</i> |
| <i>Laid before the Scottish</i> | |
| <i>Parliament</i> - - - - | <i>23rd November 2012</i> |
| | <i>22nd December</i> |
| <i>Coming into force</i> - - | <i>2012</i> |

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⁽¹⁾, paragraph 1A of Schedule 2 to the European Communities Act 1972⁽²⁾ 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 certain references, to [Commission Regulation \(EC\) No. 2023/2006](#) on good manufacturing practice for materials and articles intended to come into contact with food⁽³⁾ or to any Annex to the EU instruments specified in regulation 2(3), to be construed as references to that Regulation or that Annex as amended from time to time.

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⁽⁴⁾.

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

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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(2), 17, 31 and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 [\(c.28\)](#). Section 17 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 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 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) [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 the Schedule to the European Union (Amendment) Act 2008 [\(c.7\)](#). The functions conferred on the Minister of the Crown under section 2(2), 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 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.
- (3) OJ No L 384, 29.12.2006, p.75, amended by [Commission Regulation \(EC\) No. 282/2008](#) (OJ No L 86, 28.3.2008, p.9).
- (4) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 [\(c.28\)](#).

food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁵⁾.

(5) OJ No L 31, 1.2.2002, p.1. That Regulation was 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/EC](#) with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No L 188, 18.7.2009, p.14).