

2014 No. 118

FOOD

The Food Hygiene (Scotland) Amendment Regulations 2014

Made - - - - *30th April 2014*

Laid before Parliament *2nd May 2014*

Coming into force - - *1st June 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972(a) and all other powers enabling them to do so.

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(b).

Title and commencement

1. These Regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations 2014 and come into force on 1st June 2014.

Amendment to the Food Hygiene (Scotland) Regulations 2006

2.—(1) The Food Hygiene (Scotland) Regulations 2006(c) are amended in accordance with paragraphs (2) to (4).

(2) Regulation 32A (special health mark) is revoked.

(a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”), section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). 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. Insofar as not transferred, and insofar 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). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act.

(b) OJ 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/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny-Part Four (OJ L 188, 18.7.2009, p.14).

(c) S.S.I. 2006/3, relevantly amended by S.S.I. 2012/75.

(3) In Schedule 1 (definitions of EU legislation) to the Food Hygiene (Scotland) Regulations 2006, for the definition of “Regulation 2075/2005” substitute—

““Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat as last amended in respect of its articles by Commission Regulation (EU) No. 216/2014.”(a).

(4) Schedule 6A (the special health mark) is revoked.

MICHAEL MATHESON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
30th April 2014

(a) The principal instrument is published in OJ L 338, 22.12.2005, p.60 and the amending instrument in OJ L 69, 08.03.2014, p.85.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Regulation (EU) No. 216/2014 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat. They also implement Commission Regulation (EU) No. 218/2014 amending Annexes to Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No. 2074/2005, which removes the requirement for a special health mark and the restriction to the national market for emergency slaughter meat.

These Regulations implement Commission Regulation (EU) No. 218/2014 by amending the Food Hygiene (Scotland) Regulations 2006 to revoke regulation 32A (special health mark) and Schedule 6A (the special health mark) (regulation 2(2) and (4)).

These Regulations implement the Commission Regulation (EU) No. 216/2014 by amending the Food Hygiene (Scotland) Regulations 2006 so that the definition of Regulation 2075/2005 includes the amendments made to its articles by Regulation 216/2014 (regulation 2(3)).

A Business and Regulatory Impact Assessment of the effect that Regulation 2(3) will have on the costs of business, the voluntary sector and the public sector, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency in Scotland, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ and online at www.legislation.gov.uk.

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