
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 208

The Honey (Scotland) Regulations 2015

Citation, application and commencement

1.—(1) These Regulations may be cited as the Honey (Scotland) Regulations 2015 and apply in Scotland only.

(2) These Regulations come into force on 24th June 2015.

General interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“bulk containers” has the same meaning as in Article 3 of the Honey Directive;

“FIC” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004^{M1};

“food authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^{M2};

“Honey Directive” means Council Directive 2001/110/EC relating to honey^{M3};

“ingredient” has the meaning given in Article 2(2)(f) of FIC, as read with Article 2(5) of the Honey Directive;

“in trade” has the same meaning as in the Honey Directive and “trade in” and “trading in” are to be construed accordingly;

[^{F1}“trading bloc” means a group of nations united by trade agreements,]

“labelling” has the meaning given in Article 2(2)(j) of FIC;

“packs” has the same meaning as in Article 3 of the Honey Directive;

“trade documents” has the same meaning as in Article 3 of the Honey Directive; and

“specific quality criteria” has the same meaning as in the third indented paragraph of paragraph (b) of the second sub-paragraph of point 2 of Article 2 of the Honey Directive.

(2) Any other expression used in these Regulations has the same meaning as in the Honey Directive.

Textual Amendments

- F1** Words in [reg. 2](#) inserted (31.12.2020) by [The Food Information, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/285\)](#), regs. 1(1), **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ No L 304, 22.11.2011, p.18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p.7).
- M2** [1994 c.39](#).
- M3** OJ No L 10, 12.1.2002, p.47, last amended by Directive 2014/63/EU of the European Parliament and of the Council (OJ No 164, 3.6.2014, p.1).

Definition of “honey” and different types of honey

3. In these Regulations—

“honey” means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature.

“baker's honey” means honey that is suitable for industrial use or as an ingredient in another foodstuff which is then processed;

“blossom honey” and “nectar honey” mean honey obtained from the nectar of plants;

“chunk honey” and “cut comb in honey” mean honey which contains one or more pieces of comb honey;

“comb honey” means honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs;

“drained honey” means honey obtained by draining de-capped broodless combs;

“extracted honey” means honey obtained by centrifuging de-capped broodless combs;

“filtered honey” means honey obtained by removing foreign inorganic or organic matters in such a way to result in the significant removal of pollen;

“honeydew honey” means honey obtained mainly from excretions of plant sucking insects (*Hemiptera*) on the living part of plants or secretions of living parts of plants; and

“pressed honey” means honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45° Celsius.

Application of the naming requirements

4. Where two or more provisions of these Regulations apply in determining the name to be used in trade in respect of a particular honey, a person trading in that honey must use a name or combination name which complies with the requirements of each of those provisions.

Honey

5.—(1) A person trading in honey, except honey listed in paragraph (2), must use the name “honey” in trade as the name of the product.

(2) This paragraph applies to—

- (a) baker's honey;
- (b) comb honey;
- (c) filtered honey;
- (d) chunk honey; and
- (e) cut comb in honey.

(3) A person must not use the name “honey” in trade as the name of a product if the product is not honey or is listed in paragraph (2).

Baker's honey

6.—(1) A person trading in baker's honey must use the name “baker's honey”, in trade, as the name of the product.

(2) A person must not use the name “baker's honey” in trade as the name of a product if the product is not baker's honey.

(3) A person trading in baker's honey must not provide information relating to the floral, vegetable, regional, territorial or topographical origin of the product.

(4) A person trading in baker's honey must not provide information relating to specific quality criteria for the product.

(5) A person must not trade in baker's honey unless the words “intended for cooking only” appear on the label of the product in close proximity to the product name.

(6) A person must not trade in baker's honey in bulk containers or packs unless the product name “baker's honey” is indicated—

- (a) on those containers and packs; and
- (b) on the trade documents relating to the product.

(7) Where baker's honey is used as an ingredient in a compound foodstuff, the product name “honey” may be used, in trade, in the product name of the compound foodstuff instead of “baker's honey”.

(8) Where baker's honey is used as an ingredient in a compound foodstuff and the name “honey” is used in the product name of the compound foodstuff, a person must not trade in that foodstuff unless the list of ingredients for that foodstuff identifies that honey ingredient using the name “baker's honey”.

Blossom honey and nectar honey

7.—(1) A person trading in a honey obtained from the nectar of plants must use the name “honey”, “blossom honey” or “nectar honey” in trade as the name of the product.

(2) A person must not use the name “blossom honey” or “nectar honey” in trade as the name of a product if the product is not honey obtained from the nectar of plants.

Chunk honey and cut comb in honey

8.—(1) A person trading in a honey that contains one or more pieces of comb honey must use the name “chunk honey” or “cut comb in honey” in trade as the name of the product.

(2) A person must not use the name “chunk honey” or “cut comb in honey” in trade as the name of a product if the product does not contain one or more pieces of comb honey.

Comb honey

9.—(1) A person trading in a comb honey must use the name “comb honey” in trade as the name of the product.

(2) A person must not use the name “comb honey” in trade as the name of a product if the product is not comb honey.

Drained honey

10.—(1) A person trading in drained honey must use the name “honey” or “drained honey” in trade as the name of the product.

(2) A person must not use the name “drained honey” in trade as the name of a product if the product is not drained honey.

Extracted honey

11.—(1) A person trading in extracted honey must use the name “honey” or “extracted honey” in trade as the name of the product.

(2) A person must not use the name “extracted honey” in trade as the name of a product if the product is not extracted honey.

Filtered honey

12.—(1) A person trading in filtered honey must use the name “filtered honey” in trade as the name of the product.

(2) A person must not use the name “filtered honey” in trade as the name of a product if the product is not filtered honey.

(3) A person trading in filtered honey must not provide information relating to the floral, vegetable, regional, territorial or topographical origin of the product.

(4) A person trading in filtered honey must not provide information relating to specific quality criteria for the product.

(5) A person must not trade in filtered honey in bulk containers or packs unless the product name “filtered honey” is clearly indicated—

- (a) on those containers and packs; and
- (b) on the trade documents relating to the product.

Honeydew honey

13.—(1) A person trading in a honeydew honey must use the name “honey” or “honeydew honey” in trade as the name of the product.

(2) A person must not use the name “honeydew honey” in trade as the name of a product if the product is not honeydew honey.

Pressed honey

14.—(1) A person trading in pressed honey must use the name “honey” or “pressed honey” in trade as the name of the product.

(2) A person must not use the name “pressed honey” in trade as the name of a product if the product is not pressed honey.

Compositional requirements

15.—(1) A person must not place any product on the market as “honey” unless it meets the general and appropriate detailed compositional criteria for “honey” specified in Parts 1 and 2 of the Schedule (compositional criteria).

(2) A person must not place any product on the market using a product name listed in paragraph (5) unless it meets the general and appropriate detailed compositional criteria for that type of honey specified in Parts 1 and 2 of the Schedule.

(3) A person must not use a product (“the honey ingredient”) as “honey” in a product intended to be placed on the market for human consumption unless the honey ingredient meets the general and appropriate detailed compositional criteria for “honey” specified in Parts 1 and 2 of the Schedule.

(4) A person must not use a product (“the honey ingredient”) as honey of a type listed in one of the sub-paragraphs of paragraph (5) in a product intended to be placed on the market for human consumption unless the honey ingredient meets the general and appropriate detailed compositional criteria for that type of honey specified in Parts 1 and 2 of the Schedule.

(5) The product names and types of honey are—

- (a) baker's honey;
- (b) blossom honey;
- (c) chunk honey;
- (d) comb honey;
- (e) cut comb in honey;
- (f) drained honey;
- (g) extracted honey;
- (h) filtered honey;
- (i) honeydew honey;
- (j) nectar honey; and
- (k) pressed honey.

Additional labelling requirements

16.—^[F2](1) No person may trade in honey unless the country or countries of origin where the honey has been harvested is indicated on the label except that if the honey originates in more than one country, the countries may be replaced with one of the following indications (or similar wording) as appropriate—

“blends of honeys from more than one country”,

“blend of honeys from (*insert name of a specified continent or trading bloc*)”,

“blend of honeys from outwith (*insert name of a specified continent or trading bloc*)”,

“blend of honeys from (*insert name of a specified country*) and (*other countries*)”,

“blend of honeys from (*insert name of a specified continent or trading bloc*) and outwith (*insert name of a specified continent or trading bloc*)”, or

“blend of honeys from (*insert name of a specified country or specified continent or trading bloc*) and (*other countries*)”.]

(2) In paragraphs (3) to (5), “relevant honey” means honey except for baker's honey and filtered honey.

(3) The product name of a relevant honey may be supplemented by information relating to its floral or vegetable origin but no person may trade in a relevant honey for which such supplemental

information is provided unless the product comes wholly or mainly from the indicated source and possesses the organoleptic, physico-chemical and microscopic characteristics of the source.

(4) The product name of a relevant honey may be supplemented by information relating to its regional, territorial or topographical origin but no person may trade in a relevant honey for which such supplemental information is provided unless the product comes entirely from the indicated origin.

(5) The product name of a relevant honey may be supplemented by information relating to its specific quality criteria.

Textual Amendments

- F2** Reg. 16(1) substituted (31.12.2020) by [The Food Information, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/285\)](#), regs. 1(1), **5(3)** (as amended by [S.S.I. 2020/372](#), regs. 1(2)(a), **9(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Penalties and Enforcement

17.—(1) Any person who contravenes regulations 4 to 16 of these Regulations is guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level five on the standard scale.

(3) Each food authority must enforce and execute these Regulations in its area.

[^{F3}Methods of analysis

17A. In carrying out its obligations under regulation 17, a food authority must, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius.]

Textual Amendments

- F3** Reg. 17A inserted (31.12.2020) by [The Food Information, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/285\)](#), regs. 1(1), **5(4)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Application and modification of provisions of the Act

18.—(1) Sections 3, 20, 21, 30(8), 33, 35(1), 36, 36A and 44 of the Act apply, with the modifications specified in paragraph (2), for the purposes of these Regulations.

(2) The modifications are—

- (a) in section 3(1) (presumptions that food is intended for human consumption) for “this Act” substitute “the Honey (Scotland) Regulations 2015”;
- (b) in section 20 (offences due to fault of another person) for “any of the preceding provisions of this Part” substitute “regulation 17 of Honey (Scotland) Regulations 2015”;
- (c) in section 21 (defence of due diligence)^{M4}—
 - (i) in subsection (1) for “any of the preceding provisions of this Part” substitute “regulation 17 of the Honey (Scotland) Regulations 2015”; and

- (ii) subsections (2) to (4) apply in relation to an offence under regulation 17 as they apply in relation to an offence under section 8, 14 or 15 of the Act;
- (d) in section 30(8) (evidence of certificates given by a food analyst or examiner) for “this Act” substitute “ the Honey (Scotland) Regulations 2015 ”;
- (e) in section 33(1) (obstruction etc. of officers) for “this Act” (in each place where it occurs) substitute “ the Honey Regulations (Scotland) 2015 ”;
- (f) in section 35(1) (punishment of offences) for “section 33(1)” substitute “ the Honey (Scotland) Regulations 2015 ”;
- (g) in section 36(1) (offences by bodies corporate) for “this Act” substitute “ the Honey (Scotland) Regulations 2015 ”;
- (h) in section 36A(1) (offences by Scottish partnerships) ^{M5} for “this Act” substitute “ the Honey (Scotland) Regulations 2015 ”; and
- (i) in section 44 (protection of officers acting in good faith) for “this Act” substitute “ the Honey (Scotland) Regulations 2015 ”.

Marginal Citations

M4 Section 21 was amended by [S.I. 2004/3279](#).

M5 Section 36A(1) was inserted by paragraphs 7 and 16 of Schedule 5 to the [Food Standards Act 1999](#) (c.28).

Revocations

19. The Honey (Scotland) Regulations 2003 ^{M6} and the Honey (Scotland) Amendments Regulations 2005 ^{M7} are revoked.

Marginal Citations

M6 [S.S.I. 2003/569](#), amended by [S.S.I. 2005/307](#).

M7 [S.S.I. 2005/307](#).

Amendment of the Food Information (Scotland) Regulations 2014

20. Omit paragraph 10 of Schedule 5 to the Food Information (Scotland) Regulations 2014 ^{M8}.

Marginal Citations

M8 [S.S.I. 2014/312](#).

Transitional provision

21. In any proceedings for an offence under these Regulations it is a defence for the person charged to prove that—

- (a) the product was placed on the market or labelled before 24th June 2015; and
- (b) the matters constituting the alleged contravention would not have constituted an offence under the Honey (Scotland) Regulations 2003 as they stood immediately before 24th June 2015.

Changes to legislation: *There are currently no known outstanding effects for the The Honey (Scotland) Regulations 2015. (See end of Document for details)*

St Andrew's House,
Edinburgh

MAUREEN WATT
Authorised to sign by the Scottish Ministers

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There are currently no known outstanding effects for the The Honey (Scotland) Regulations 2015.