
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 190

FOOD

The Foods for Specific Groups (Scotland) Regulations 2016

<i>Made</i>	- - - -	<i>2nd June 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>3rd June 2016</i>
<i>Coming into force</i>	- -	<i>20th July 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1) and (3), 31(1) and 48(1) of the Food Safety Act 1990⁽¹⁾, section 2(2) and paragraph 1A of schedule 2 of 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 any reference to specified provisions of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009⁽³⁾ to be construed as a reference to those provisions as amended from time to time.

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- (1) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), schedule 9, paragraph 6, the Food Standards Act 1999 (c.28) (“the 1999 Act”), schedule 5, paragraph 10(1) and (3) and schedule 6, and S.I. 2002/794. Under section 6(4A) (which was inserted by the Food (Scotland) Act 2015 (asp 1) (“the 2015 Act”), paragraph 3(2) of the schedule) the reference to the Food Standards Agency in section 6(4) is to be read as a reference to Food Standards Scotland. Sections 16(1) and 48(1) were amended by paragraph 8 of schedule 5 of the 1999 Act and section 34(1) of the 2015 Act. Section 17(1) was amended by the 1999 Act, schedule 5, paragraphs 8 and 12(a) and S.I. 2011/1043. Section 26(3) was amended by the 1999 Act, schedule 6. Section 31(1) was amended by the 1999 Act, schedule 5, paragraph 8. Section 48(6) was inserted by paragraph 3(11) of the schedule of the 2015 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. Amendments made by schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State, so far as 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, those functions were transferred to the Scottish Ministers by S.I. 2005/849.
- (2) 1972 c.68. Section 2(2) was amended by the 1998 Act, schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), schedule, Part 1. Paragraph 1A of schedule 2 was inserted by the 2006 Act, section 28 and was amended by the 2008 Act, schedule, Part 1 and S.I. 2007/1388. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) OJ L 181, 29.6.2013, p.53.

Changes to legislation: There are currently no known outstanding effects for the The Foods for Specific Groups (Scotland) Regulations 2016, Introductory Text. (See end of Document for details)

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotland⁽⁴⁾ in accordance with section 48(4A) of that Act⁽⁵⁾.

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⁽⁶⁾.

(4) Food Standards Scotland was established under section 1 of the Food (Scotland) Act 2015 (“the 2015 Act”).

(5) Under section 48(6) (which was inserted by the Food Standards Act 1999, schedule 5, paragraph 21) references to the Food Standards Agency in section 48 are to be read as references to Food Standards Scotland. Section 48(6) was inserted by the 2015 Act, schedule, paragraph 3(11).

(6) OJ L 31, 1.2.2002, p.1, last amended by Regulation (EU) 652/2014 of the European Parliament and of the Council (OJ L 189, 15.05.2014, p 1).

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