
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 383

The Caseins and Caseinates (Scotland) Regulations 2016

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Caseins and Caseinates (Scotland) Regulations 2016 and come into force on 22nd December 2016.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“edible acid casein” means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or other products obtained from milk and complying with the standards set out in schedule 1;

“edible rennet casein” means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or other products from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes and complying with the standards set out in schedule 2;

“edible caseinate” means a milk product obtained by the action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying and complying with the standards set out in schedule 3;

“the Directive” means Directive (EU) 2015/2203 of the European Parliament and of the Council, on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council [Directive 83/417/EEC](#)(1);

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

“food business operator” has the meaning given in Article 3(3) of Regulation (EC) 178/2002;

“place on the market” has the meaning given in Article 3(8) of Regulation (EC) 178/2002;

Reference to a “schedule” means reference to a schedule of these Regulations;

“Regulation (EU) 1169/2011” means Regulation (EU) 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) 1924/2006 and (EC) 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) 608/2004(3).

“the Act” means the Food Safety Act 1990(4).

(1) OJ L 314, 1.12.2015, p.1.

(2) [1994 c.39](#). Section 2 was amended by the Environment Act 1995 (c.25), schedule 22, paragraph 232(1).

(3) OJ No. L 304, 22.11.2011, p.18 as last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No. L 27, 30.1.2014 p.7).

(4) [1990 c.16](#).

Scope

3. These Regulations apply to caseins and caseinates intended for human consumption and mixtures of these.

Restriction on the marketing and use of edible acid caseins, edible rennet caseins and edible caseinates

4. A person must not—
- (a) place on the market edible acid caseins, edible rennet caseins or edible caseinates under those names unless they comply with the rules laid down in the Directive and with the standards set out in schedules 1, 2 or 3;
 - (b) place on the market edible acid caseins, edible rennet caseins and edible caseinates for purposes other than the preparation of food unless they are named and labelled clearly as to their nature, quality or intended use; or
 - (c) use for the preparation of food, caseins and caseinates which do not comply with the standards set out in points (b) and (c) of schedules 1, 2 or 3.

Labelling of edible acid caseins, edible rennet caseins and edible caseinates

5.—(1) The following particulars must be marked clearly and indelibly on the packages, containers or labels of edible acid caseins, edible rennet caseins or edible caseinates—

- (a) the name of the edible acid casein, edible rennet casein or, edible caseinate, and in the case of an edible caseinate, an indication of the cation or cations as listed in point (d) of schedule 3;
- (b) in the case of edible acid caseins, edible rennet caseins or edible caseinates marketed as mixtures:
 - (i) the words ‘mixture of ...’ followed by the names of the different products of which the mixture is composed, in decreasing order of weight,
 - (ii) an indication of the cation or cations, as listed in point (d) of schedule 3, in the case of edible caseinates,
 - (iii) the protein content in the case of mixtures containing edible caseinates;
- (c) the net quantity of the edible acid caseins, edible rennet caseins and edible caseinates expressed in kilograms or grams;
- (d) the name or business name and address of the food business operator under whose name or business name the product is marketed or, if that food business operator is not established in the European Union, the importer into the European Union market;
- (e) in the case of edible acid caseins, edible rennet caseins or edible caseinates imported from third countries, the name of the country of origin;
- (f) the lot identification of the casein or caseinate products or the date of production.

(2) A person must not place on the market any edible acid caseins, edible rennet caseins or edible caseinates unless the particulars referred to in regulation 5(1) are given in English either exclusively or in addition to any other language.

(3) Where the minimum milk protein content set out at item 2 in table 1 of schedule 1, item 2 in table 1 of schedule 2, or item 2 in table 1 of schedule 3 is exceeded in the milk products defined in regulation 2, this fact may, without prejudice to the provisions of Regulation (EU) 1169/2011, be marked on the packages, containers or labels of the products.

Enforcement

6. Each food authority must execute and enforce these Regulations within its area.

Offences and penalties

7. A person is guilty of an offence if they fail to comply with any of the foregoing provisions of these regulations and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

8. The provisions of the Act specified in column 1 of the table in schedule 4 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.

Revocations

- 9.—(1) The Caseins and Caseinates (Scotland) Regulations 1986⁽⁵⁾ are revoked.
- (2) The Caseins and Caseinates (Scotland) Amendment Regulations 1990⁽⁶⁾ are revoked.

St Andrew's House,
Edinburgh
22nd November 2016

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

(5) S.I. 1986/836.
(6) S.I. 1990/1.