
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 422

The Caseins and Caseinates (Scotland) (No. 2) Regulations 2016

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Caseins and Caseinates (Scotland) (No. 2) Regulations 2016.

(2) This regulation and regulation 9(c) come into force on 21st December 2016.

(3) The remaining provisions of these Regulations come into force on 22nd December 2016.

(4) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 21.12.2016, see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

“the Act” means the Food Safety Act 1990(1);

“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\(2\)](#);

“edible acid casein” means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk;

“edible caseinate” means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying;

“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;

“food authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(3);

“food business operator” has the meaning given in Article 3(3) of Regulation (EC) No [178/2002](#);

“place on the market” has the meaning given in Article 3(8) of Regulation (EC) No [178/2002](#);

“Regulation (EC) No [178/2002](#)” means 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; and

(1) [1990 c.16](#).

(2) [OJ L 314, 1.12.2015, p.1](#).

(3) [1994 c.39](#). Section 2 was amended by the Environment Act [1995 \(c.25\)](#), schedule 22, paragraph 232(1).

“Regulation (EU) No 1169/2011” 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(4).

Commencement Information

I2 Reg. 2 in force at 22.12.2016, see [reg. 1\(3\)](#)

Scope

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

Commencement Information

I3 Reg. 3 in force at 22.12.2016, see [reg. 1\(3\)](#)

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—
 - (i) edible acid caseins under that name unless they comply with the rules laid down in the Directive and the standards set out in schedule 1;
 - (ii) edible rennet caseins under that name unless they comply with the rules laid down in the Directive and the standards set out in schedule 2; or
 - (iii) edible caseinates under that name unless they comply with the rules laid down in the Directive and the standards set out in schedule 3;
 - (b) place on the market caseins or 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 or caseinates which do not comply with the standards set out in tables 2 and 3 of schedule 1, 2 or 3.

Commencement Information

I4 Reg. 4 in force at 22.12.2016, see [reg. 1\(3\)](#)

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

5.—(1) The following particulars must be marked on the packages, containers or labels of edible acid caseins, edible rennet caseins and edible caseinates in easily visible, clearly legible and indelible characters:—

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

- (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 table 4 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 edible acid casins, edible rennet caseins or edible caseinates of which the mixture is composed, in decreasing order of weight;
 - (ii) an indication of the cation or cations, as listed in table 4 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 [F1United Kingdom], the importer into the [F1United Kingdom] 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 edible acid caseins, edible rennet caseins or edible caseinates 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 paragraph (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, 2 or 3 is exceeded in edible acid caseins, edible rennet caseins or edible caseinates, this fact may, without prejudice to the provisions of Regulation (EU) No 1169/2011, be marked on the packages, containers or labels of the products.

Textual Amendments

- F1** Words in [reg. 5\(1\)\(d\)](#) 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), **6(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I5** Reg. 5 in force at 22.12.2016, see [reg. 1\(3\)](#)

Offences and penalties

6. A person is guilty of an offence if that person fails to comply with regulation 4 or 5 and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I6** Reg. 6 in force at 22.12.2016, see [reg. 1\(3\)](#)

[^{F2}Transitional provisions: withdrawal from the EU

6A.—(1) A person is to be considered to have complied with regulation 5(1)(d) in the following circumstances—

- (a) edible acid caseins, edible rennet caseins or edible caseinates are marked with 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,
- (b) this would have complied with regulation 5(1)(d) as it applied immediately before IP completion day, and
- (c) the edible acid caseins, edible rennet caseins or edible caseinates are placed on the market no later than [^{F3}31 December 2023].

(2) A person is to be considered to have complied with regulation 5(1)(e) in the following circumstances—

- (a) edible acid caseins, edible rennet caseins or edible caseinates imported from a third country are marked with the name of the country of origin,
- (b) this would have complied with regulation 5(1)(e) as it applied immediately before IP completion day, and
- (c) the edible acid caseins, edible rennet caseins or edible caseinates are placed on the market no later than [^{F4}31 December 2023].

(3) In this regulation, “third country” means any country other than the United Kingdom.]

Textual Amendments

- F2** Reg. 6A 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), **6(3)** (as amended by [S.S.I. 2020/372](#), regs. 1(2)(a), **9(6)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 6A\(1\)\(c\)](#) substituted (30.9.2022) by [The Food Information \(Transitional Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/265\)](#), regs. 1(1), **13(a)**
- F4** Words in [reg. 6A\(2\)\(c\)](#) substituted (30.9.2022) by [The Food Information \(Transitional Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/265\)](#), regs. 1(1), **13(b)**

Enforcement

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

Commencement Information

I7 Reg. 7 in force at 22.12.2016, see [reg. 1\(3\)](#)

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.

Commencement Information

I8 Reg. 8 in force at 22.12.2016, see [reg. 1\(3\)](#)

Revocations

9. The following instruments are revoked:—

- (a) the Caseins and Caseinates (Scotland) Regulations 1986⁽⁵⁾;
- (b) the Caseins and Caseinates (Scotland) Amendment Regulations 1990⁽⁶⁾; and
- (c) the Caseins and Caseinates (Scotland) Regulations 2016⁽⁷⁾ are revoked.

Commencement Information

I9 Reg. 9(a)(b) in force at 22.12.2016, see [reg. 1\(3\)](#)

I10 Reg. 9(c) in force at 21.12.2016, see [reg. 1\(2\)](#)

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AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

(5) S.I. 1986/836.
(6) S.I. 1990/1.
(7) S.S.I. 2016/383.

Changes to legislation:

There are currently no known outstanding effects for the The Caseins and Caseinates (Scotland) (No. 2) Regulations 2016.