
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 415

FOOD

The Novel Foods (Scotland) Regulations 2017

Made - - - - 23rd November 2017
Laid before the Scottish Parliament - - - - 24th November 2017
Coming into force - - 1st January 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1) and (2), 18(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(1), section 2(2) of the European Communities Act 1972(2) and all other powers enabling them to do so.

In accordance with section 48(4A) and (6) of that Act, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotland(3).

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(4).

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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 paragraph 6 of schedule 9 of the Deregulation and Contracting Out Act 1994 (c.40), paragraph 10(3) of schedule 5 of the Food Standards Act 1999 (c.28) (“the 1999 Act”) and S.I. 2002/794. Section 6(4A) was inserted by paragraph 3(2) of the schedule of the Food (Scotland) Act 2015 (asp 1) (“the 2015 Act”). Section 16(1)(da) was inserted by section 34(1) of the 2015 Act. Sections 17(1), 31(1) and 48(1) were amended by paragraph 8 of schedule 5 of the 1999 Act. Section 17(1) was also amended by paragraph 12(a) of schedule 5 of the 1999 Act and S.I. 2011/1043. Section 26(3) was amended by paragraph 1 of schedule 6 of the 1999 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. By virtue of section 40(2) of the 1999 Act, amendments made by schedule 5 of that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by S.I. 2005/849.
- (2) 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(1) 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 functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) Section 48(4A) was inserted by paragraphs 7 and 21 of schedule 5 of the 1999 Act. Section 48(6) was inserted by paragraph 3(11) of the schedule of the 2015 Act.
- (4) 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, 27.6.2014, p.1).