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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 392**

**FOOD**

**The Foods for Specific Groups (Medical Foods)  
(Miscellaneous Amendments) (Scotland) Regulations 2018**

*Made* - - - - 19th December 2018  
*Laid before the Scottish  
Parliament* - - - - 20th December 2018  
*Coming into force* - - 22nd February 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990 <sup>M1</sup> and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act <sup>M2</sup>, before making these Regulations the Scottish Ministers have had regard to any relevant advice given by Food Standards Scotland.

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 <sup>M3</sup>.

**Marginal Citations**

- M1** 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 16(1) and 48(1) were amended by paragraph 8 of schedule 5 of the [Food Standards Act 1999 \(c.28\)](#) (“the 1999 Act”) and section 16(1) was also amended by section 34(1) of the [Food \(Scotland\) Act 2015 \(asp 1\)](#) (“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 17(2) was amended by the 1999 Act, schedule 5, paragraphs 8 and 12(b) and S.I. 2011/1043. Section 26(3) was amended by the 1999 Act, schedule 6. Amendments made by schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the [Scotland Act 1998 \(c.46\)](#) by virtue of section 40(2) of the 1999 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 so transferred, and in so far as relating to food (including drink) including the primary production of food, those functions were transferred to the Scottish Ministers by the [Scotland Act 1998 \(Transfer of Functions to the Scottish ministers etc.\) Order 2005 \(S.I. 2005/849\)](#).
- M2** Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act. The reference in that subsection to the Food Standards Agency is, by virtue of section 48(6) of the 1990 Act, to be read as a reference to Food Standards Scotland. Section 48(6) was inserted by paragraph 3(11) of the schedule

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**Changes to legislation:** *There are currently no known outstanding effects for the The Foods for Specific Groups (Medical Foods) (Miscellaneous Amendments) (Scotland) Regulations 2018, Introductory Text. (See end of Document for details)*

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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.

**M3** OJ L 31, 1.2.2002, p.1.

**Changes to legislation:**

There are currently no known outstanding effects for the The Foods for Specific Groups (Medical Foods) (Miscellaneous Amendments) (Scotland) Regulations 2018, Introductory Text.