
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 33

FOOD

The Food Standards and Hygiene (Miscellaneous Amendments) (Scotland) Regulations 2019

Made - - - - 5th February 2019
Laid before the Scottish Parliament - - - - 7th February 2019
Coming into force - - 28th March 2019

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

Insofar 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 in accordance with section 48(4A) of that Act⁽²⁾.

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⁽³⁾.

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- (1) 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. 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 S.I. 2005/849.
- (2) Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act. Section 48(6) was added by paragraph 3(11) of schedule 1 of the 2015 Act. By virtue of section 48(6), in the application of section 48 to Scotland, references to the Food Standards Agency are to be read as references to Food Standards Scotland.
- (3) OJ L 31, 1.2.2002, p.1.