

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 6

The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020 and come into force on 22 February 2020, except where paragraph (2) applies.

(2) Regulations 2 to 5 come into force on 22 February 2021 in respect of infant formula and follow-on formula manufactured from protein hydrolysates.

(3) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 22.2.2020, see reg. 1(1)

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990,

“the Delegated Regulation” means Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding,

“the EU Regulation” means Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39 of the European Parliament and of the Council and Commission Regulations (EC) No. 41/2009 and (EC) No 953/2009,

“specified EU law requirement” means any provision of the Delegated Regulation specified in column 1 of the table in schedule 1, as read with the provisions specified in the corresponding entry in column 2 of that table.

(2) Any reference to a provision of the Delegated Regulation is a reference to that provision as amended from time to time.

(3) Expressions defined in Article 2 of the EU Regulation have the same meaning in these Regulations as they have in that Regulation.

Commencement Information

- I2** Reg. 2 in force at 22.2.2020 for specified purposes, see reg. 1(1)
I3 Reg. 2 in force at 22.2.2021 in so far as not already in force, see reg. 1(2)

Enforcement

- 3.** Each food authority must enforce and execute these Regulations within its area.

Commencement Information

- I4** Reg. 3 in force at 22.2.2020 for specified purposes, see reg. 1(1)
I5 Reg. 3 in force at 22.2.2021 in so far as not already in force, see reg. 1(2)

Offences and penalties

4.—(1) Subject to regulation 6(3), a person is commits an offence if they fail to comply with any specified EU law requirement.

(2) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I6** Reg. 4 in force at 22.2.2020 for specified purposes, see reg. 1(1)
I7 Reg. 4 in force at 22.2.2021 in so far as not already in force, see reg. 1(2)

Application of provisions of the Act

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

Commencement Information

- I8** Reg. 5 in force at 22.2.2020 for specified purposes, see reg. 1(1)
I9 Reg. 5 in force at 22.2.2021 in so far as not already in force, see reg. 1(2)

Revocations, savings and transitional provisions

6.—(1) The instruments specified in column 1 of the table in schedule 3 are revoked to the extent specified in column 3 of that table, subject to paragraph 2.

(2) The instruments specified in column 1 of the table in schedule 3 continue to have effect (so far as otherwise revoked to the extent specified in column 3 of that table)—

- (a) until 21 February 2021 in respect of infant formula and follow-on formula manufactured from protein hydrolysates, and
 (b) for the purposes of paragraph 3.

(3) A person does not commit an offence under regulation 4(1) if they continue to market infant formula or follow-on formula which does not comply with a specified EU law requirement, provided that—

- (a) it was placed on the market or labelled—
- (i) before 22 February 2020, or
 - (ii) before 22 February 2021 in the case of infant formula and follow-on formula manufactured from protein hydrolysates, and
- (b) the conditions specified in the following provision of the Infant Formula and Follow-on Formula (Scotland) Regulations 2007^{M1} are met—
- (i) regulation 3(1) in the case of infant formula,
 - (ii) regulation 3(2) in the case of follow-on formula.

[^{F1}(4) Regulations 2 to 5 do not apply in respect of infant formula and follow-on formula manufactured from protein hydrolysates until 22 February 2022.

(5) Schedule 4 makes provision in relation to infant formula and follow-on formula manufactured from protein hydrolysates until 22 February 2022.]

Textual Amendments

- F1** Reg. 6(4)(5) inserted (26.3.2021) by *The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/123)*, regs. 1, **2(2)**

Commencement Information

- I10** Reg. 6 in force at 22.2.2020, see reg. 1(1)

Marginal Citations

- M1** *S.S.I. 2007/549*, as modified by *S.S.I. 2008/322*, *S.I. 2011/1043*, *S.S.I. 2014/12*, *S.S.I. 2015/100* and *S.S.I. 2016/190*.

Consequential amendment

7.—(1) The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019^{M2} are amended as follows.

(2) In paragraph 1 of schedule 1, omit “, which meets the requirements of the Infant and Follow-on Formula (Scotland) Regulations 2007 or the Infant Formula and Follow-on Formula (England) Regulations 2007”.

Commencement Information

- I11** Reg. 7 in force at 22.2.2020, see reg. 1(1)

Marginal Citations

- M2** *S.S.I. 2019/193*, as amended by *S.S.I. 2019/232*.

St Andrew's House,
Edinburgh

JOE FITZPATRICK
Authorised to sign by the Scottish Ministers

Changes to legislation:

There are currently no known outstanding effects for the The Foods for Specific Groups (Infant Formula and Follow-on Formula) (Scotland) Regulations 2020.