

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 3 of the Food (Scotland) Act 2015 (“the 2015 Act”) provides for the creation of compliance notices in relation to specified offences under food legislation. These regulations specify relevant offences in relation to which compliance notices can be used.

Regulation 2(1) introduces the schedule. Regulation 2(2) provides for the evidentiary standard to which an authorised officer must be satisfied before they can issue a compliance notice under section 42 of the 2015 Act. Regulation 2(3) provides for the “specified period” which is the minimum period of time in which the required steps are to be taken to cease to commit a relevant offence as set out in section 43(1)(d), (2) and (3) of the 2015 Act.

Regulation 3 applies, with modifications, specified provisions of the Food Safety Act 1990 to section 42 (compliance notices), section 44 (failure to comply with a compliance notice), section 47 (withdrawal of a compliance notice), section 48 (appeal against a compliance notice) and Part 3 generally of the 2015 Act.

The schedule specifies relevant offences in relation to which a compliance notice may be issued under section 42 of the 2015 Act.

A full Business and Regulatory Impact Assessment of the effect that this instrument will have on the costs of business, the consumer sector and the public sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from Food Standards Scotland, Pilgrim House, Old Ford House, Aberdeen, AB11 5RL.

Changes to legislation:

There are currently no known outstanding effects for the The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023.