
EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies Schedule 5 to the Scotland Act 1998 (c.46). Schedule 5 defines reserved matters for the purposes of that Act (matters which are outside the legislative competence of the Scottish Parliament).

Articles 2, 3 and 4 insert definitions of “food” into Sections C5, C7 and C8 of Part 2 of Schedule 5. Those Sections set out reserved matters from which certain matters are excepted by reference to the word “food”. The new definition has the same meaning as that found in Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principle and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as the text of that Regulation stood at 7th December 2004 (OJ No L 31, 1.2.2001, p.1.).

Article 3 also amends Section C7 so that the existing reference to the subject-matter of section 16 of the Food Safety Act 1990 (which is an exception to the reservation of the matters specified in Section C7) is to be construed as a reference to that subject-matter as at 7th December 2004 (rather than 1st July 1999). 7th December 2004 was the date on which the definition of “food” in section 1 of the Food Safety Act 1990 was amended by Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. 2004/2990) to be the same as in Regulation (EC) No. 178/2002 mentioned above.

The above amendments ensure that the exceptions to the reserved matters specified in Sections C5, C7 and C8 that apply to food, are understood by reference to the definition of food in Regulation (EC) No. 178/2002.

Article 5 amends Section J4. It makes an exception from the reservation of the subject-matter of the Medicines Act 1968 so far as it applies in relation to medicinal products which are for use in relation to animals and to animal feeding stuffs. (As at 1 July 1999 that Act applied to such matters). The reservation of those matters is replaced with a new reservation for the regulation of veterinary medicinal products, specified feed additives (both of which terms are defined in the Veterinary Medicines Regulations 2013 (S.I. 2013/2033)) and certain aspects of animal feeding stuffs. The effect is that the regulation of substances which fell within the meaning of medicinal products for use in relation to animals (as at 1st July 1999) but which do not fall within the meaning of veterinary medicinal products or specified feed additives (as at 1st October 2013), will now come within the legislative competence of the Scottish Parliament.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.