

*Status: Point in time view as at 06/04/2015.*

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## SCHEDULES

### SCHEDULE 1

Section 16(3).

#### PROVISIONS OF REGULATIONS UNDER SECTION 16(1)

##### **Modifications etc. (not altering text)**

- C1** Sch. 1 transfer of functions (23.3.2005) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 1, **Sch.** (with art. 6)

##### *Composition of food*

- 1 Provision for prohibiting or regulating—
- (a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or
  - (b) the possession of any such substance for use in the preparation of food.

##### *Fitness etc. of food*

- 2 (1) Provision for prohibiting—
- (a) the sale for human consumption; or
  - (b) the use in the manufacture of products for sale for such consumption, of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.
- (2) Provision for prohibiting or regulating, or for enabling enforcement authorities to prohibit or regulate—
- (a) the sale for human consumption; or
  - (b) the offer, exposure or distribution for sale for such consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.
- 3 (1) Provision for regulating generally the treatment and disposal of any food—
- (a) which is unfit for human consumption; or
  - (b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.
- (2) Provision for the following, namely—
- (a) for the registration by enforcement authorities of premises used or proposed to be used for the purpose of sterilising meat to which sub-paragraph (1) above applies, and for prohibiting the use for that purpose of any premises which are not registered in accordance with the regulations; or

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- (b) for the issue by such authorities of licences in respect of the use of premises for the purpose of sterilising such meat, and for prohibiting the use for that purpose of any premises except in accordance with a licence issued under the regulations.

*Processing and treatment of food*

- 4 Provision for the following, namely—
  - (a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or
  - (b) for the issue by enforcement authorities of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

*Food hygiene*

- 5 (1) Provision for imposing requirements as to—
  - (a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;
  - (b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and
  - (c) the disposal of refuse from such premises.
- (2) Provision for imposing requirements as to—
  - (a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and
  - (b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.
- (3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.
- 6 (1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) above in respect of any premises—
  - (a) on the occupier of the premises; and
  - (b) in the case of requirements of a structural character, on any owner of the premises who either—
    - (i) lets them for use for a purpose to which the regulations apply; or
    - (ii) permits them to be so used after notice from the authority charged with the enforcement of the regulations.
- (2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which—
  - (a) are contained in the regulations; and
  - (b) are made by virtue of paragraph 5(1) above,

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while there is in force a certificate of the enforcement authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

*[<sup>F1</sup> Production of food sources]*

**Textual Amendments**

**F1** Sch. 1 para. 6A and cross-heading immediately preceding it inserted (1.4.2000) by 1999 c. 28, s. 40(1), Sch. 5 para. 23 (with ss. 38, 40(2)); S.I. 2000/1066, art. 2

- <sup>F2</sup>6A Provision for prohibiting or regulating—
- (a) the possession, sale or offer, exposure or advertisement for sale of any specified substance, or any substance of any specified class, with a view to its use in connection with the production of any food source;
  - (b) the use of any specified substance, or any substance of any specified class, in connection with the production of any food source;
  - (c) the carrying out of any other activity in connection with, or in a manner likely to affect, the production of any food source.]

**Textual Amendments**

**F2** Sch. 1 para. 6A and cross-heading immediately preceding it inserted (1.4.2000) by 1999 c. 28, s. 40(1), Sch. 5 para. 23 (with ss. 38, 40(2)); S.I. 2000/1066, art. 2

*Inspection etc. of food sources*

- 7 (1) Provision for securing the inspection of food sources by authorised officers of enforcement authorities for the purpose of ascertaining whether they—
- (a) fail to comply with the requirements of the regulations; or
  - (b) are such that any food derived from them is likely to fail to comply with those requirements.
- (2) Provision for enabling such an officer, if it appears to him on such an inspection that any food source falls [<sup>F3</sup>(or is likely to fall)] within sub-paragraph (1)(a) or (b) above, to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn—
- (a) no commercial operations are to be carried out with respect to the food source; and
  - (b) the food source either is not to be removed or is not to be removed except to some place so specified.
- (3) Provision for enabling such an officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

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#### Textual Amendments

**F3** Words in Sch. 1 para. 7(2) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 24** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

- [<sup>F4</sup>8 (1) Provision for the following in connection with a food hygiene information scheme, namely—
- (a) for a food authority—
    - (i) to assess hygienic conditions and practices in food premises;
    - (ii) to determine food hygiene ratings for food premises (by reference to criteria specified in or determined in accordance with the regulations);
    - (iii) to give reasons for, and opportunities to comment on, food hygiene ratings;
    - (iv) to issue certificates which show food hygiene ratings;
    - (v) to inform Food Standards Scotland about food hygiene ratings;
  - (b) for notifying the public of food hygiene ratings (for example, by requiring the display of certificates, or other information, in or on food premises, requiring persons involved in a food business to provide information about food hygiene ratings when asked to do so or requiring food authorities or Food Standards Scotland to publish food hygiene ratings);
  - (c) for the review or appeal of food hygiene ratings;
  - (d) for the promotion of the scheme.
- (2) Provision for a food hygiene rating to be based on an assessment of hygienic conditions and practices carried out before the regulations come into force.]

#### Textual Amendments

**F4** Sch. 1 para. 8 inserted (S.) (1.4.2015) by Food (Scotland) Act 2015 (asp 1), **ss. 34(2), 63(2)** (with s. 62); S.S.I. 2015/99, **art. 2**

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