

*These notes relate to the Food (Scotland) Act 2015 (asp 1) which received Royal Assent on 13 January 2015*

# **FOOD (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 1: Food Standards Scotland**

##### ***Section 3: General functions***

7. The general functions of FSS are designed to focus effort and expertise on delivering the objectives, above. The functions are set out in detail, but in summary they are to develop (and assist public bodies or office-holders to develop) policies, provide advice and assistance to public bodies or office-holders, to keep the public and users of animal feeding stuffs informed about significant matters which concern them about food and feeding stuffs and to monitor the performance of, and to promote best practice by, the authorities who enforce food law. The reference to public bodies and office-holders covers any such body or office-holder; it is not limited to public bodies and office-holders in Scotland e.g. it could include, and therefore enable FSS to work with, UK or European public bodies and office-holders. As with the objectives, these functions are deliberately wide so as not to be overly restrictive. It is intended that FSS as the independent body with policy responsibility in Scotland for food matters is seen to be able to operate without overly prescriptive boundaries.
8. FSS must comply with requests from the Scottish Ministers in respect of its general functions (other than the function of monitoring enforcement authorities) where reasonably practicable. This is designed to provide public assurance both on the operational independence of FSS and that the Scottish Ministers can still influence FSS transparently, in the public interest. In short, this provision allows flexibility in the relationship between the Scottish Government and FSS – allowing them to work together across food policy areas in a way that does not put the independence of FSS at risk.