
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 62

FOOD

The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000

<i>Made</i>	- - - -	<i>10th March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 42(1), (2) and (3) of the Food Standards Act 1999⁽¹⁾, hereby make the following Regulations:

Citation commencement and extent

1.—(1) These Regulations may be cited as the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000, and come into force on 1st April 2000.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1999 Act” means the Food Standards Act 1999;

“instrument” means any instrument, other than any statutory instrument, having effect in Scotland and relating to a transferred function, issued or made by or on behalf of one or more Ministers of the Crown or the Scottish Ministers (or any of them jointly), including—

- (a) schemes and byelaws;
- (b) codes of practice;
- (c) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;
- (d) appointments (other than any appointment to an advisory committee);

- (e) approvals, authorisations, licences, provisional licences and registrations;
- (f) designations;
- (g) notices;
- (h) certificates; and
- (i) warrants; and

“transferred function” means any function—

- (a) of the Scottish Ministers transferred to the Agency under or by virtue of the 1999 Act; or
- (b) exercisable by the Agency after the coming into force of these Regulations by virtue of regulations 3 to 12(1) below,

but does not include any exercise of the powers referred to in regulation 13(1)(b) below.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered Schedule, or a numbered Part of a Schedule, shall be construed as a reference to the Schedule or Part of the Schedule bearing that number in these Regulations.

Regulations relating to dairy and egg hygiene: consequential provisions

3.—(1) The Ice Cream (Scotland) Regulations 1948(2) are modified in accordance with Part I of Schedule 1.

(2) The Dairy Products (Hygiene) (Scotland) Regulations 1995(3) are modified in accordance with Part II of Schedule 1.

(3) The Egg Products Regulations 1993(4) are modified in accordance with Part III of Schedule 1.

(4) The Eggs (Marketing Standards) Regulations 1995(5) are modified in accordance with Part IV of Schedule 1.

Regulations relating to feedingstuffs: consequential provisions

4.—(1) The Feeding Stuffs Regulations 1995(6) are modified in accordance with Part I of Schedule 2.

(2) The Feeding Stuffs (Establishment and Intermediaries) Regulations 1999(7) are modified in accordance with Part II of Schedule 2.

(3) Except in relation to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act), the Feeding Stuffs (Enforcement) Regulations 1999(8) are modified in accordance with Part III of Schedule 2.

(4) The Animal Feeding Stuffs from Belgium (Control) (Scotland) Regulations 2000(9) are modified in accordance with Part IV of Schedule 2.

(2) S.I. 1948/960 as amended by S.I. 1948/2271. S.I. 1960/2108 and S.I. 1963/1101.

(3) S.I. 1995/1372 as amended by S.I. 1996/2465.

(4) S.I. 1993/1520 (to which there are amendments not relevant to these Regulations).

(5) S.I. 1995/1544; relevant amendments are made by S.I. 1996/1725.

(6) S.I. 1995/1412; relevant amendments are made by S.I. 1999/1528.

(7) S.I. 1999/1872.

(8) S.I. 1999/2325.

(9) S.S.I. 2000/16.

Regulations relating to general food hygiene, temperature control and fish and shellfish hygiene: consequential provisions

5.—(1) The Food Safety (General Food Hygiene) Regulations 1995(10) are modified in accordance with Part I of Schedule 3.

(2) The Food Safety (Temperature Control) Regulations 1995(11) and modified in accordance with Part II of Schedule 3.

(3) The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998(12) are modified in accordance with Part III Schedule 3.

Regulations relating to meat hygiene, etc.: consequential provisions

6.—(1) The Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992(13) are modified in accordance with Part I of Schedule 4.

(2) The Meat Products (Hygiene) Regulations 1994(14) are modified in accordance with Part II of Schedule 4.

(3) The Fresh Meat (Hygiene and Inspection) Regulations 1995(15) are modified in accordance with Part III of Schedule 4.

(4) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(16) are modified in accordance with Part IV of Schedule 4.

(5) The Animal By-Products (Identification) Regulations 1995(17) are modified in accordance with Part V of Schedule 4.

(6) The Wild Game Meat (Hygiene and Inspection) Regulations 1995(18) are modified in accordance with Part VI of Schedule 4.

(7) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995(19) are modified in accordance with Part VII of Schedule 4.

(8) The Fresh Meat (Beef Controls) (No. 2) Regulations 1996(20) are modified in accordance with Part VIII of Schedule 4.

(9) The Beef Bones (Scotland) Regulations 1999(21) are modified in accordance with Part IX of Schedule 4.

(10) The Specified Risk Material Regulations 1997(22) are modified in accordance with Part X of Schedule 4.

(11) The Meat (Hygiene and Inspection) (Charges) Regulations 1998(23) are modified in accordance with Part XI of Schedule 4.

(12) The Specified Risk Material (Inspection Charges) Regulations 1999(24) are modified in accordance with Part XII of Schedule 4.

(10) S.I. 1995/1763 as amended by S.I. 1995/2148 and 3205, S.I. 1996/1699, S.I. 1997/2537, S.I. 1998/994 and S.I. 1999/1360.

(11) S.I. 1995/2200 as amended by S.I. 1995/3205, S.I. 1996/1499, S.I. 1998/994 and S.I. 1998/1398.

(12) S.I. 1998/994, to which there are amendments not relevant to these Regulations.

(13) S.I. 1992/2921, as amended by S.I. 1994/1029, S.I. 1995/539 and 540 and 1995/2148.

(14) S.I. 1994/3082, amended by S.I. 1995/539, 763, 2200 and 3205, S.I. 1996/1499 and S.I. 1999/683.

(15) S.I. 1995/539; amended by amended by S.I. 1995/731, 1763, 2200, 2148, 3124, and 3189, S.I. 1996/1148 and 2235, S.I. 1997/1729 and S.I. 1997/2074.

(16) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205 and S.I. 1997/1729.

(17) S.I. 1995/614, as amended by S.I. 1995/1955, S.I. 1996/3124 and S.I. 1997/2073.

(18) S.I. 1995/2148, as amended by S.I. 1995/3205.

(19) S.I. 1995/3205, amended by S.I. 1996/3124.

(20) S.I. 1996/2097, as amended by S.I. 1996/2522.

(21) S.S.I. 1999/186.

(22) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 and 2431 and S.I. 1999/539.

(23) S.I. 1998/2095.

(24) S.I. 1999/539.

Regulations relating to imports and exports: consequential provisions

7.—(1) The Imported Food (Scotland) Regulations 1985(25) are modified in accordance with Part I of Schedule 5.

(2) The Products of Animal Origin (Import and Export) Regulations 1996(26) are modified in accordance with the provisions of Part II of Schedule 5.

Regulations relating to novel foods and food irradiation: consequential provisions

8.—(1) The Novel Foods and Novel Food Ingredients Regulations 1997(27) are modified in accordance with Part I of Schedule 6.

(2) The Novel Foods and Novel Food Ingredients (Fees) Regulations 1997(28) are modified in accordance with Part II of Schedule 6.

(3) The Food (Control of Irradiation) Regulations 1990(29) are modified in accordance with Part III of Schedule 6.

Emergency Control Orders: consequential provisions

9.—(1) The Food (Pistachios from Iran) (Emergency Control) Order 1997(30) is modified in accordance with Part I of Schedule 7.

(2) The Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000(31) is modified in accordance with Part II of Schedule 7.

(3) The Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000(32) is modified in accordance with Part III of Schedule 7.

Miscellaneous enactments: consequential provisions

10.—(1) The Sludge (Use in Agriculture) Regulations 1989(33) are modified in accordance with Part I of Schedule 8.

(2) The Environmental Protection (Applications, Appeals and Registers) Regulations 1991(34) are modified in accordance with Part II of Schedule 8.

(3) The Welfare of Animals (Slaughter or Killing) Regulations 1995(35) are modified in accordance with Part III of Schedule 8.

(4) The Bovines and Bovine Products (Trade) Regulations 1999(36) are modified in accordance with Part IV of Schedule 8.

(5) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999(37) are modified in accordance with Part IV Schedule 8.

(25) S.I. 1985/913 as amended by S.I. 1990/2625 and S.I. 1997/2537.

(26) S.I. 1996/3124, as amended by S.I. 1997/3023, S.I. 1998/994 and S.I. 1999/683.

(27) S.I. 1997/1335, as amended by S.I. 1999/1756 and 3182.

(28) S.I. 1997/1336, as amended by S.I. 1999/1756.

(29) S.I. 1990/2490.

(30) S.I. 1997/2238, as amended by S.I. 1997/3046.

(31) S.S.I. 2000/35.

(32) S.S.I. 2000/15.

(33) S.I. 1989/1263; relevant amendments are made by S.I. 1990/880 and S.I. 1996/593.

(34) S.I. 1991/507; relevant amendments are made by S.I. 1994/1271 and S.I. 1996/667 and 2678.

(35) S.I. 1995/731; amended by S.I. 1999/400.

(36) S.I. 1999/1540.

(37) S.I. 1999/1103, amended by S.I. 1994/1554.

Monitoring of enforcement action, etc.: consequential provisions

11. The definition of “relevant legislation” in section 15(1) of the 1999 Act has effect as if the references in sub-paragraph (a) to the provisions of regulations or orders made under the Food Safety Act 1990⁽³⁸⁾ Act included references to the provisions of the Regulations made under section 2(2) of the European Communities Act 1972⁽³⁹⁾ specified in Schedule 9 to these Regulations.

Instruments, orders and judgments: consequential provisions

12.—(1) Subject to the following paragraphs of this regulation, any provision relating to a transferred function in an instrument made, or court interlocutor, decree or order made or given, before the coming into force of these Regulations has effect, so far as may be necessary or expedient in preparation for, in connection with, or in consequence of the transfer of that function to the Agency, as if any references in the provision (including any references which are to be construed as such references) to, or to officers of, the Scottish Ministers were references to the Agency, or its officers.

(2) Paragraph (1) above does not apply to any authorisation or licence issued for the purposes of the Welfare of Animals (Slaughter or Killing) Regulations 1995 in force at the coming into force of these Regulations.

(3) Paragraph (1) above applies to codes of practice issued under section 40 of the Food Safety Act 1990 before the coming into force of these Regulations but does not apply so as to treat the authority by which the code was issued as altered.

Transitional provisions and savings

13.—(1) The transfer to the Agency of any transferred function does not affect the validity of anything done, or having effect as if done, by or on behalf of the Scottish Ministers before the coming into force of any provision under which the function is transferred.

(2) Anything (including legal proceedings) which at the coming into force of these Regulations is in the process of being done, so far as it relates to any transferred function, may be continued by or in relation to the Agency.

(3) Anything (including legal proceedings or anything in connection with legal proceedings) done or having effect as if done before the coming into force of these Regulations by or in relation to the Scottish Ministers, so far as it relates to any transferred function has effect as if done by or in relation to the Agency.

(4) Where any property, right or liability of the Scottish Ministers is transferred to the Agency by virtue of a transfer scheme made under section 41 of the 1999 Act and they certify that the property, right or liability has been transferred to the Agency by virtue of subsection (4) of that section, on a day appointed by the scheme for the transfer of the property, right or liability, the certificate is conclusive evidence for all purposes of any fact stated in it with respect to the effect of that subsection in relation to the transfer and paragraphs (2) and (3) above shall not apply to that property, right or liability on and after that day.

St Andrew’s House,
Edinburgh
10th March 2000

Susan C Deacon
A member of the Scottish Executive

⁽³⁸⁾ 1990 c. 16.

⁽³⁹⁾ 1972 c. 68.

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SCHEDULE 1

Regulation 3

REGULATIONS RELATING TO DAIRY AND EGG HYGIENE: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Ice Cream (Scotland) Regulations 1948

1. In regulation 1(3) there is inserted before the definition of “applicant” the following—
““the Agency” means the Food Standards Agency;”.
2. In regulations 9(c) and 13(4) for the words “the Secretary of State” there is substituted the words “the Agency”.

PART II

Consequential modifications to the Dairy Products (Hygiene) (Scotland) Regulations 1995

1. In regulation 2(1) after the definition of “the Act” there is inserted the following—
““the Agency” means the Food Standards Agency;”.
2. For regulation 17 there is substituted—
“17. Every food authority shall provide the Agency with such information relating to the execution of its duties under these Regulations as the agency may from time to time require.”

PART III

Consequential modifications to the Egg Products Regulations 1993

1. In regulation 2(1) the definition of “appropriate Minister” is deleted.
- 2.—(1) In regulation 6(1)—
 - (a) for the words “The appropriate Minister” there is substituted the words “The food authority”; and
 - (b) for the words “he is satisfied” there is substituted the words “it is satisfied”.
- (2) In regulation 6(2)—
 - (a) for the words “The appropriate Minister” there is substituted the words “The food authority”; and
 - (b) for the words “his decision” there is substituted the words “its decision”.

PART IV

Consequential modifications to the Eggs (Marketing Standards) Regulations 1995

1. In regulation 2, after the definition of “the Act” there is inserted the following—

““the Agency” means the Food Standards Agency;”.

2. For paragraph (2) of regulation 4, there is substituted the following–

“(2) The Scottish Ministers shall enforce and execute the Community provisions referred to in sub-paragraph (a) of the definition of “Community provisions” in regulation 2(1) in so far as they do not relate to the matters to which paragraph (1) of this regulation relates.

(2A) The Agency shall enforce and execute the Community provisions referred to in sub-paragraph (b) of the definition of “Community provisions” in regulation 2(1) in so far as they do not relate to the matters to which paragraph (1) of this regulations relates.”

3. In regulation 5–

(a) after the words “Community provision”, in both places where they occur, there is inserted the words “covered by regulation 4(2) or (2A)”; and

(b) for the words “of the Minister”, in both places where they occur, there is substituted the words “of the Scottish Ministers or the Agency as appropriate”.

4. For regulation 6 there is substituted the following–

“6. If so requested by notice in writing served on him by or on behalf of the Minister or the Agency, any person carrying on any activity regulated by any Community provision referred to in regulation 4(2) or (2A) shall keep or cause to be kept such records as the Scottish Ministers or, as the case may be, the Agency, may reasonably require for the purpose of enforcing or executing any such provision and shall provide the Scottish Ministers or, as the case may be, the Agency, with such records as they or it may from time to time require.”.

5. In regulation 8(1)(a) for the words “to him by an authorised officer of the Minister or of a food authority” there is substituted the words “of him”.

SCHEDULE 2

Regulation 4

REGULATIONS RELATING TO FEEDINGSTUFFS: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Feeding Stuffs Regulations 1995

1. In the definition of “national list” in regulation 2(1), for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Food Standards Agency”.

2. In regulation 15(9) for the words “the Minister of Agriculture, Fisheries and Foods” there is substituted the words “the Food Standards Agency”.

PART II

Consequential modifications to the Feeding Stuffs (Establishment and Intermediaries) Regulations 1999

- 1.—(1) In regulation 2(2)–

(a) after the definition of “additive” there is inserted the following definition–

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““the Agency” means the Food Standards Agency;” and

(b) the definition of “the Minister” is deleted.

2.—(1) In the provisions specified in sub-paragraph (2) below, for the words “the Minister”, “him” and “it” wherever they occur in each of those provisions, there is substituted the words “the Agency”, “it” and “the competent body” respectively.

(2) The provisions referred to in sub-paragraph (1) above are regulations 10, 17, 24 and 31.

3.—(1) In the provisions specified in sub-paragraph (2) below, for the words “the Minister”, wherever they occur in each of those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 33(1), 34(1), 34(2), 35(1), 35(3) and 35(5).

4. In regulations 35(4) and 36(2), for the words “the Minister”, “he” and “him”, wherever they occur in each of those provisions, there is substituted the words “the Agency”, “it” and “it” respectively.

5. In regulations 36(1) and 37(1) and (2), for the words “the Minister” and “he”, wherever they occur in each of those provisions, there is substituted the words “the Agency” and “it” respectively.

6. For regulation 38 there is substituted—

“Obligation of competent bodies to supply certain information to the Food Standards Agency

38. Where any competent body comes into possession of information which it considers will assist the Agency to exercise its functions under regulations 36 and 37, the competent body shall as soon as possible provide that information to the Agency in writing.”.

7. In regulation 39, in the definitions of “approved third country establishment”, “eligible person” and “registered third country establishment”, for the words “the Minister”, wherever they occur in each of those definitions, there is substituted the words “the Agency”.

PART III

Consequential modifications to the Feeding Stuffs (Enforcement)

Regulations 1999 except in relation to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act)

1.—(1) In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;” and

(b) the definition of “the Minister” is deleted.

2.—(1) In regulations 4(13) and 6(6), for the words “the Minister”, wherever they occur in each of those provisions, there is substituted the words “the Agency”.

3. For regulation 14 there is substituted—

“14. Every competent authority shall provide the Agency, in writing, such information as is available to it and will assist the Agency to comply with the requirements of Article 22 of Directive 95/53.”

PART IV

Consequential modifications to the Animal Feedingstuffs from Belgium (Control) (Scotland) Regulations 2000

1. In regulation 1(3) after the definition of “the Act” that is inserted—
““the Agency” means the Food Standards Agency;”.
- 2.—(1) In regulations 4(1), (2) and (4) and 5(1)(a), for the words “the Scottish Ministers” wherever they occur in each of those provisions, there is substituted the words “the Agency”.
3. In regulation 4(4) for the words “as they may request” there is substituted the words “as it may request”.

SCHEDULE 3

Regulation 5

REGULATIONS RELATING TO GENERAL FOOD HYGIENE, TEMPERATURE CONTROL AND FISH AND SHELLFISH HYGIENE: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Food Safety (General Food Hygiene) Regulations 1995

In regulation 8(2)(c)(i) for the words “the Secretary of State”, in both places where they occur, there is substituted the words “the Food Standards Agency”.

PART II

Consequential modifications to the Food Safety (Temperature Control) Regulations 1995

In regulations 12(a) and 19(2)(b)(i) for the words “the Secretary of State” in both places wherever they occur there is substituted the words “the Food Standards Agency”.

PART III

Consequential modifications to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998

1. In regulation 2(1)—
 - (a) after the definition of the “Act” there is inserted the following definition—
““the Agency” means the Food Standards Agency;”; and
 - (b) in the definition of “designated bivalve production area”, for the words “the Ministers” there is substituted the words “the Agency”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below, for the words “the Ministers”, wherever they occur in those provisions, there is substituted the words “the Agency”.

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- (2) The provisions referred to in sub-paragraph (1) above are—
 - (a) regulations 3(1) and (3), 4, 5(1) and (2), 6(1), 7(3) and (4), 11(4)(b) and (5), 12(2)(b) and (3), 14(2) and (4), 22(4) and 28(4)(c);
 - (b) in Schedule 2, paragraphs 4 and 12 of Section III of Chapter IV, paragraph 1(a) of section IV of Chapter IV and paragraph 8 of Chapter V; and
 - (c) in Schedule 3, paragraph 3B(2) of Section II of Chapter V.
- (3) In regulation 3(2) for the words “Ministers have” there is substituted the words “Agency has”.
3. In regulations 6(2) and 52(1), for the words “the Ministers” and “them”, wherever they occur in each of those provisions, there is substituted respectively the words “the Agency” and “it”.
4. In regulation 52(2)(b)—
 - (a) for the words “the Ministers”, where they first occur, there is substituted the words “the Agency”; and
 - (b) for the words “the Ministers require the food authority to undertake on their behalf” there is substituted the words “the Agency requires the food authority to undertake on its behalf”.
5. In regulation 52(3)—
 - (a) for the words “the Ministers” there is substituted the words “the Agency”; and
 - (b) for the words “assigned to them” there is substituted the words “assigned to it or, as the case may be, them”.
6. In paragraph 5 of Chapter III of Schedule 2, for the words “the Minister” there is substituted the words “the Agency”.
7. In paragraph 1 of Chapter VI of Schedule 2—
 - (a) for the words “the Ministers” there is substituted the words “the Agency”; and
 - (b) for the words “their” there is substituted the words “its”.

SCHEDULE 4

Regulation 6

REGULATIONS RELATING TO MEAT HYGIENE, ETC.: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992

1. In regulation 1, after paragraph (2) there is added the following—

“(3) In these Regulations “the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 3(1) and (2), 7, 8(3), 9(1)(c), 11(3)(d), (4) and (5), 12(3) and 18(1)(a) and (6).

PART II

Consequential modifications to the Meat Products (Hygiene) Regulations 1994

1. In regulation 2(1) after the definition of “the Act” there is inserted the following definition—
““the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are the definition of “approval authority” in regulation 2(1) and regulation 22.
3. For regulation 19(2) there is substituted the following—
“(2) The Agency shall be responsible for the supervision of, and the execution and enforcement of, these Regulations in relation to combined premises and shall be responsible through authorised officers for checks under Part IV of Schedule 2 in combined premises.”.

PART III

Consequential modifications to the Fresh Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1) after the definition of “the Act” there is inserted the following definition—
““the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are the definition of “OVS” in regulation 2(1), and regulations 4(1), (2), (3), (4) and (6A) to (10), (11)(b)(i) and (ii), (12) and (13), 5(1), (1)(a) and (e), (2) and (3), 6(1), (3) and (4), 8(1), (2) and (3), 9(1), (2) and (4), 11(1), 12(1), (2), (3) and (5), 13(3)(b), 19(1) and (2), 20(1)(d), 21(2)(b) and (3) and paragraph 1(b) of Part I of Schedule 6, paragraphs 13 and 14 of Part IX of Schedule 10, paragraph 2(d) of Schedule 14, paragraph 2 of Schedule 16 and paragraphs 2(3), 3 and 4 of Schedule 21.
(3) In regulation 6(1), for the words “the Minister's” there is substituted the words “the Agency's”.
3. In the definition of “veterinary officer” in regulation 2(1), for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.
- 4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word this relates to “the Minister”, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2) and 5(1).
- 5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.
(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4) and (5), (12), 5(2) (a) and 9(4).
- 6.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word this relates to “the Minister”, there is substituted the words “the Agency”.

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(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2)(a)(i) to (vi), (b) and (5), 5(1), 9(2) and 12(2).

7. In paragraph 2(1) of Schedule 21 for the words “the appropriate Minister” there is substituted the words “the Agency”.

8. For regulation 23 that is substituted—

“23. These Regulations shall be enforced and executed in Scotland by the Agency.”

PART IV

Consequential modifications to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;”;

(b) in the definition of “licensed”, for the words “the Minister” there is substituted the words “the Agency”;

(c) in the definition of “official veterinary surgeon” for the words “the Minister” there is substituted the words “the Agency”; and

(d) in the definition of “veterinary officer” for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4)(c), 4(2), (3) and (4), (6) to (9), 5(1), (2) and (4), 6(1), (3) and (4), 8(1), (2) and (4), 9(1) to (3), 11(1), (3), (4) and (5), 12(1), 13(1) to (3), 16(3) and (4), 17(2), 18(1)(d) and (e)(iii), (3), 20(2)(b) and (3), 21, 22 and paragraphs 5, 7(a) and 14 of Schedule 7, paragraph 8(b)(iv) of Schedule 11, paragraphs 2(1) to (3), 3 and 4 of Schedule 15 and paragraph 3 and 4(d) of Schedule 16.

3. In regulation 4(2) for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4), 5(2) and 11(5).

5. In regulations 9(2) and 13(2) for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

6.—(1) For regulation 23(1) there is substituted—

“(1) Subject to paragraph (2) below, these Regulations shall be enforced and executed by the Agency in Scotland”.

(2) Regulation 23(3) is deleted.

PART V

Consequential modifications to the Animal By-Products (Identification) Regulations 1995

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—
““the Agency” means the Food Standards Agency;”.
2. In regulation 3(3) for the words “the Minister or any Secretary of State” there is substituted the words “the Agency”.
3. For regulation 12 there is substituted the following—
“(12) These Regulations shall be enforced and executed in Scotland—
 - (a) in relation to premises licensed under the Hygiene Regulations, by the Agency;
and
 - (b) in any other case, by each food authority within its area.”
4. In regulation 13 for the words “the Minister” there is substituted the words “the Agency”.

PART VI

Consequential modifications to the Wild Game Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1)—
 - (a) after the definition of “the Act” there is inserted the following definition—
““the Agency” means the Food Standards Agency;”;
 - (b) in the definition of “licensed” for the words “the Minister” there is substituted the words “the Agency”;
 - (c) in the definition of “OVS” for the words “the Minister” there is substituted the words “the Agency”; and
 - (d) in the definition of “veterinary officer”, for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), (3), (4), (6) and (7), 4(1), (2) and (4), 5(1), (3) and (4), 6(1), (2) and (4), 7(1), (2) and (3), 9(1), (3), (4) and (5), 10(1), 11(1), (2) and (3), 14(1) and (2), 15(1)(d) and (3), 16(2)(b) and (3), paragraph 3(b)(iv) of Schedule 7 and paragraphs 2(1) to (3), 3 and 4 of Schedule 12.
- 3.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), 4(1), 6(2) and 9(3).
- 4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.
(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4), 4(2), 7(3) and 9(5).

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5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), 4(1), 7(2), 9(4) and 11(2).

6. For regulation 18 that is substituted—

“18. These Regulations shall be enforced and executed by the Agency in Scotland.”

PART VII

Consequential modifications to the Minced Meat and Meat Preparation (Hygiene) Regulations 1995

1. In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following—

““the Agency” means the Food Standards Agency;”;

(b) in the definition of “approval authority” for the words “the Minister” there is substituted the words “the Agency”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 10 and 12(1), (2) and (3).

PART VIII

Consequential modifications to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996

1. In regulation 2(1), the following definition is inserted in the appropriate alphabetical position—

““the Agency” means the Food Standards Agency;”.

2. In regulation 4(1) and (2), for the words “the Minister” there is substituted the words “the Agency”.

3. In regulation 5(2), after the words “the Minister” there is inserted the words “the Agency”.

4. For regulation 7 there is substituted—

“7. In premises in Scotland licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 these Regulations shall be enforced and executed by the Agency and, in any other premises in Scotland, shall be enforced and executed by the food authority in whose area those premises are situated.”

5. In Part II of Schedule 1—

(a) in paragraph 1, for the words “the Minister” there is substituted the words “the Agency”; and

(b) in paragraph 5, for the words “the Minister” there is substituted the words “the Agency”.

PART IX

Consequential modifications to the Beef Bones (Scotland) Regulations 1999

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—
““the Agency” means the Food Standards Agency;”.
2. In regulation 10(1) for the words “the Scottish Ministers” there is substituted the words “the Agency”.

PART X

Consequential modifications to the Specified Risk Material Regulations 1997

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—
““the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are the definition of “listed premises” in regulation 2(1) and regulations 9(1) to (5), 15(7) and (8), 16(4), 16A(4) and 18(5).
3. In regulation 6—
 - (a) for paragraph (1) there is substituted the following—
“(1) The Scottish Ministers may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if they are satisfied that the premises—
 - (a) are properly equipped to carry out the functions to which the approval relates;
and
 - (b) comply with the requirements of that Part of these Regulations.
 - (1A) The Agency may, on application, authorise or register any premises for the purposes of Parts II (restrictions on use of specified risk material and vertebral column of ruminant animals), IV (prohibitions on the removal of certain specified risk materials for ruminant animals) or V (particular requirements in relation to sheep and goats) of these Regulations if it is satisfied that the premises—
 - (a) are properly equipped to carry out the functions to which the authorisation or registration relates; and
 - (b) comply with the requirements of that Part of these Regulations to which authorisation or registration relates.”; and
 - (b) in paragraph (3) for the words “the Minister” there is substituted the words “the Scottish Ministers or, as the case may be, the Agency”.
- 4.—(1) Where in any of the provisions specified in sub paragraph (2) below the words “him”, “his” or “he”, where these words relate to “the Minister”, occurs there is substituted the words “the Agency”, “its” or “the Agency” respectively.
(2) The provisions referred to in sub-paragraph (1) above are regulations 9(4) and (5), 15(7) and 26(1).
5. For regulation 31(1) there is substituted—
“(1) These Regulations shall be enforced in Scotland—

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- (a) in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 by the Agency; and
- (b) in relation to any other premises by the food authority in whose area the premises are situated.”.

PART XI

Consequential modifications to the Meat (Hygiene and Inspection) (Charges) Regulations 1998

1. In regulation 2(1)–
 - (a) in the definitions of “accounting period” and “agreed PIA costs” for the words “the Minister” there is substituted the words “the Agency”; and
 - (b) after the definition of “accounting period” there is inserted the following definition–
““the Agency” means the Food Standards Agency;”.
- 2.—(1) For regulation 3(4) there is substituted–
“(4) Any charge notified to an occupier under paragraph (1), (2) or (3) above shall be payable by him to the Scottish Ministers and shall be recoverable on demand by the Scottish Ministers, or by the Agency acting on their behalf, as a debt from the occupier concerned.”.
- (2) For regulation 3(10) there is substituted–
“(10) Where, under paragraph (3)(b) or (5) above a sum is to be credited to an occupier, the Scottish Ministers, or the Agency acting on their behalf, may if they so determine pay such sum to the occupier concerned instead of crediting it to him.”.
- 3.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 3(1), (2), (3) and (5), 4(1) and paragraphs 4(a)(ii), (b) and (b)(ii), 13, 14(b), 16 and 17(1)(a) of the Schedule.
- 4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (3) and 4(1)(b) and paragraph 13 of the Schedule.
- 5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (3).

PART XII

Consequential modifications to the Specified Risk Material (Inspection Charges) Regulations 1999

1. In regulation 2(1)–
 - (a) the following definition shall be inserted in the appropriate alphabetical position–
““the Agency” means the Food Standards Agency;”; and

(b) in the definitions of “SRM charge” and “SRM inspector” for the words “the Minister” there is substituted the words “the Agency”.

2. For regulation 3(2) there is substituted—

“(2) As soon as the SRM charge has been notified to an occupier in accordance with paragraph (1) above, both the occupier and the owner of the establishment in respect of which the charge arose shall be jointly and severally liable for the amount of that charge to the Scottish Ministers and that charge shall be recoverable by the Scottish Ministers, or by the Agency acting on their behalf, as a debt.”

3.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1) and (3) and 4(1) and paragraphs 2, 3(b) and 5 of the Schedule.

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulation 4(1)(b) and paragraph 2 of the Schedule.

SCHEDULE 5

Regulation 7

REGULATIONS RELATING TO IMPORTS AND EXPORTS: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Imported Food (Scotland) Regulations 1985

1. In regulation 12(1), there is inserted before the definition of “bulk lard” the following—

““the Agency” means the Food Standards Agency;”.

2. In regulation 13(1) and (3) for the words “the Secretary of State” and “appears to him” wherever they appear there is substituted the words “the Agency” and “appears to it”, respectively.

PART II

Consequential modifications to the Products of Animal Origin (Import and Export) Regulations 1996

1. In regulation 1(2), there is inserted in the appropriate alphabetical position the following—

““the Agency” means the Food Standards Agency;”

2.—(1) In regulation 3(1)(a) the words “by the Minister of Agriculture, Fisheries and Food” to the end of that sub-paragraph are deleted and there is substituted the words “the Scottish Ministers and the Agency in relation to Scotland”.

(2) For paragraph (2) of regulation 3 there is substituted the following—

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“(2) Subject to paragraph (4) below where the Scottish Ministers are satisfied that a local authority in Scotland is failing or has failed to execute or enforce these Regulations, either generally or in any individual case or in any class of case, they may, after giving notice to that authority, direct that the duty to enforce or execute these Regulations in respect of the failure specified in the notice shall be discharged by the Scottish Ministers or by the Agency on their behalf.”.

(3) In paragraph (3) of regulation 3, for the words “The Minister” there is substituted the words “The Scottish Ministers, or the Agency on their behalf”.

(4) After paragraph (4) of regulation 3 there is inserted the following—

“(4A) Subject to paragraph (4B) below, the Agency may direct, in relation to cases of a particular description, or a particular case, that these Regulations shall be executed and enforced by the Agency instead of the local authority, or jointly by the Agency and the local authority.

(4B) The Agency shall not issue a direction under paragraph (4A) above to a local authority, in relation to any case or description of case, where a direction has been issued to the authority in respect of the case or description of case by the Scottish Ministers, under paragraph (2) above.”; and

(5) Paragraph (5) of regulation 3 is deleted.

3.—(1) After regulation 4(1) there is inserted the following—

“(1A) The Agency, after consulting the Scottish Ministers, may also exercise the power to give directions under paragraph (1) above either jointly with the Scottish Ministers or alone.”

(2) For regulation 4(3) there is substituted—

“(3) Any such directions shall be enforceable in Scotland by an order of the Court of Session under section 45 of the Court of Session Act 1988(40).”

4.—(1) In paragraphs (1), (2), (3) and (6) of regulation 6, for the words “the Minister”, wherever they occur, there is substituted the words “the Agency or the Scottish Ministers”.

(2) In paragraph (1) of regulation 6 the word “his” is deleted.

(3) In paragraph(5) of regulation 6 the definition of “the Minister” is deleted.

5. In regulation 13—

(a) in paragraphs (2) and (3), for the words “the Minister” there is substituted the words “the Scottish Ministers, the Agency”; and

(b) for paragraph (7) there is substituted—

“(7) In this regulation “official veterinary surgeon” means a person designated as such by the Agency for the purpose of supervising the establishment in question.”

6. In regulation 15, for the words “the Minister” there is substituted the words “the Scottish Ministers, the Agency”.

7. In regulation 16, in paragraphs (1), (2), (3), and (6) for the words “the Minister” in each place where they occur in those paragraphs, there is substituted the words “the Scottish Ministers, the Agency”.

8. For regulation 21(5) there is substituted—

“(5) Before authorising the release of any product, the official veterinary surgeon shall—

(40) 1988 c. 36

- (a) where he has any doubt relating to the protection of public health whether a product should be released, consult the Agency; and
- (b) where he has any doubt relating to the protection of animal health whether a product should be released, consult the Scottish Ministers,

and shall take no further action in connection with the release of the product without first informing the Agency or the Scottish Ministers.”.

9. In regulation 25–

- (a) in paragraph (2), for the words “Subject to paragraphs (2) and (3) below” there is substituted the words “Subject to paragraphs (2A) and (3) below”; and
- (b) after paragraph (2) there is inserted the following–

“(2A) When the Scottish Ministers are consulted under paragraph (2) above by an official veterinary surgeon in relation to non-compliance of any products of animal origin with public health conditions–

- (a) the Scottish Ministers shall consult the Agency; and
- (b) the official veterinary surgeon shall not authorise the importer of the products to transport them for storage in a free zone or free warehouse in accordance with the provisos in paragraph (2) above without first informing the Agency.”.

10.—(1) In regulations 28, 29 and 33(1), for the words “the Minister” there is substituted the words “the Scottish Ministers, the Agency”.

(2) For paragraph(2) of regulation 33 there is substituted the following–

“(2) If requested in writing to do so by the Scottish Ministers, or the Agency, a local authority shall provide the Scottish Ministers or, as the case may be, the Agency with–

- (a) such information relating to the calculation of charges as the Scottish Ministers or, as the case may be, the Agency, may require; and
- (b) copies of any written representations made by the persons referred to in paragraph (1) above.”.

11.—(1) In regulation 34(1), for the words “appeal to the Minister against the amount of the charge” there is substituted the following–

- “(a) in the case of a charge for a health inspection and control exercise carried out otherwise than in relation to any function of the Agency, appeal to the Scottish Ministers, against the amount of the charge; and
- (b) in case of a charge for a health inspection and control exercise carried out in relation to any function of the Agency, appeal to the Agency against the amount of the charge.”.

(2) In regulation 34(2) for the words “the Minister” there is substituted the words “the Scottish Ministers or, as the case may be, the Agency”.

(3) In paragraph (4) of regulation 34–

- (a) for the words “the Minister”, in the first place where they occur in that paragraph, there is substituted the words “the Scottish Ministers or, as the case may be, the Agency”; and
- (b) for the words “the Minister”, in the second place, where they occur in that paragraph, there is substituted the words “the Scottish Ministers.”

(4) In paragraph (5) of regulation 34, for the words “the Minister” there is substituted the words “the Scottish Ministers or, as the case may be, the Agency”.

12. In regulation 35(1) and (2), for the words “the Minister or the Secretary of State” there is substituted the words “the Scottish Ministers or the Agency”.

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13. In regulations 37(4), 39(1) and (2), after the words “the Minister, the Secretary of State” there is substituted the words “the Scottish Ministers, the Agency”.

SCHEDULE 6

Regulation 8

REGULATIONS RELATING TO NOVEL FOODS AND FOOD IRRADIATION: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Novel Foods and Novel Food Ingredients Regulations 1997

1. In regulation 3(1)(a), for the words “the Secretary of State for Scotland” there is substituted the words “the Food Standards Agency”.
2. Regulation 3(2) is deleted.

PART II

Consequential modifications to the Novel Foods and Novel Food Ingredients (Fees) Regulations 1997

1. Regulation 2 is deleted.
2. For regulation 3(1) there is substituted the following paragraph—

“(1) Any person who, pursuant to article 4.1 of Regulation (EC) No. 258/97 (“258/97”) of the European Parliament and of the Council, concerning novel foods and novel food ingredients, and regulation 3(1) of the Novel Foods and Novel Food Ingredients Regulations 1997 (requests relating to novel foods or novel food ingredients and deregulation of food assessment body), submits to the Food Standards Agency, a request relating to a novel food or a novel food ingredient, shall, at the time he submits that request, pay to the Food Standards Agency, in connection with the services provided by it, acting as the food assessment body for the purposes of 258/97, the appropriate fee prescribed in regulation 4 below.”.
3. Regulation 3(2) is deleted.

PART III

Consequential modifications to the Food (Control of Irradiation) Regulations 1990

1. In regulation 2(1)—
 - (a) after the definition of “the Act” there is inserted the following—

““the Agency” means the Food Standards Agency;”; and
 - (b) in the definition of “licensing authority”, for sub-paragraph (b) there is substituted the following sub-paragraph—

“(b) in relation to premises in Scotland, the Agency,”.

2. In Schedule 2—
 - (a) in paragraph 1, for the words “the appropriate Ministers” there is substituted the words “the Agency”;
 - (b) paragraph 1(2)(a) is deleted;
 - (c) in paragraphs 2(1) and (2)—
 - (i) for the words “the appropriate Ministers”, wherever they occur in those provisions, there is substituted the words “the Agency”; and
 - (ii) for the words “they are”, wherever they occur in those provisions there is substituted the words “it is”; and
 - (d) in paragraph 2(3)—
 - (i) for the words “the appropriate Ministers cease” there is substituted the words “the Agency ceases”; and
 - (ii) for the word “they” there is substituted the word “it”.

SCHEDULE 7

Regulation 9

EMERGENCY CONTROL ORDERS: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Food (Pistachios from Iran) (Emergency Control) Order 1997

For article 3(3) there is substituted—

“(3) Each port health authority or food authority shall give such assistance and information to the Scottish Ministers and the Food Standards Agency, as they may request, for the purposes of their duties under section 13 of the Act.”

PART II

Consequential modifications to the Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000

For article 4(2) there is substituted—

“(2) Each food authority shall give such assistance and information to the Scottish Ministers or the Food Standards Agency, as they may request, for the purposes of their duties under section 13 of the Act in connection with the Order.”

PART III

Consequential modifications to the Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000

1. In article 1(2), after the definition of “the Act” there is added the following definition—

““the Agency” means the Foods Standards Agency;”;

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2. In articles 4(1), (2) and 5(1)(a), for the words “the Scottish Ministers”, wherever they occur, there is substituted the words “the Agency”.
3. In article 4(3)–
 - (a) for the words “the Scottish Ministers” there is substituted the words “the Agency”; and
 - (b) for the words “as they may request” there is substituted the words “as it may request”.

SCHEDULE 8

Regulation 10

OTHER ENACTMENTS: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Sludge (Use in Agriculture) Regulations 1989

In regulation 8(4) in paragraph (iii), after the words “the Secretary of State for Scotland” there is added the words “and the Food Standards Agency”.

PART II

Consequential modifications to the Environmental Protection (Applications, Appeals and Registers) Regulations 1991

1. In regulation 4(1), after sub-paragraph (l) there is added the following–
 - “(m) the Food Standards Agency, in the case of all prescribed processes designated for central control which will be carried on in Scotland.”.

PART III

Consequential modifications to the Welfare of Animals (Slaughter or Killing) Regulations 1995

1. In regulation 2(1), the following definition is inserted in the appropriate alphabetical position–

““the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below, for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency, on behalf of the Scottish Ministers,”.
 - (2) The provisions referred to in sub-paragraph (1) above are paragraphs 5(1), (4), 8, 9(1), 10 and 11(1) of Schedule 1.
 - (3) In paragraphs 5(2) and 6(2) of Schedule 1, for the words “the Minister” there is substituted the words “The Agency, acting on behalf of the Scottish Ministers,”.
3. In paragraph 4(1)(a) of Schedule 1, after the words “the Minister” there is inserted the words “or the Agency, on behalf of the Scottish Ministers,”.
- 4.—(1) In paragraph 5(1) of Schedule 1, for the word “he”, where this relates to “the Minister”, there is substituted the words “the Agency”.

(2) In paragraph 5(1)(a) of Schedule 1, for the word “his”, where this relates to “the Minister”, there is substituted the word “the Agency’s”.

(3) In paragraph 9(1)(a) and (b) of Schedule 1, the words “he is” are deleted.

(4) In paragraph 10 of Schedule 1, for the words “as he may determine” there is substituted the words “as the Scottish Ministers may determine”.

(5) In paragraph 11(1) of Schedule 1, for the word “he”, where this relates to “the Minister”, there is substituted the words “he or the Agency”.

PART IV

Consequential modifications to the Bovines and Bovine Products (Trade) Regulations 1999

1. In regulation 2(1), after the definition of “additional mark” there is inserted the following—
““the Agency” means the Food Standards Agency;”.
2. In regulation 14(1), (2) and (3), for the words “the Minister”, wherever they occur, there is substituted “the Scottish Ministers, or the Agency on their behalf”.

PART V

Consequential modifications to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999

1. In regulation 2(1)—
 - (a) after the definition of “the Act” there is added the following definition—
““the Agency” means the Food Standards Agency;”; and
 - (b) the definition of “the Minister” is deleted.
- 2.—(1) In regulations 4(1)(d)(i), (2) and (6) and paragraphs 1, 4 and 6 of Part II to Schedule 1, for the words “the Minister”, wherever they occur, there is substituted the words “the Agency”.
- (2) For regulation 4(3) and (4) there is substituted—
 - (3) Where the relevant authority in Scotland decides either not to grant or to withdraw recognition of a water for the purposes of Article 1 the person who exploits the relevant spring, or if different, the person who owns land on which the relevant spring is situated, may apply to the Agency for a review of that decision.
 - (4) Upon an application for review of a decision being made pursuant to paragraph (3) above the Agency shall make such inquiry into the matter as may seem to it appropriate, and, having considered the results of that inquiry and any relevant facts elicited by it, shall either confirm the decision or direct the relevant authority to grant or restore, as appropriate, recognition of the water in question for the purposes of Article 1, and in the case of such a direction the relevant authority shall thereupon comply with the said direction.”

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SCHEDULE 9

Regulation 11

MONITORING OF ENFORCEMENT ACTION, ETC.: CONSEQUENTIAL PROVISIONS

The Regulations and their provisions made under section 2(2) of the European Communities Act 1972 referred to in regulation 11 are—

<i>THE REGULATIONS</i>	<i>PROVISIONS</i>
The Materials and Articles in Contact with Food Regulations 1987, S.I. 1987/1527; amended by S.I. 1994/979	All the provisions
The Olive Oil (Marketing Standards) Regulations 1987, S.I. 1987/1783; amended by S.I. 1990/2487, 1992/2590 and 1998/2410	All the provisions
The Organic Products Regulations 1992, S.I. 1992/2111; amended by S.I. 1993/405, 1994/2886 and 1997/166	All the provisions
The General Product Safety Regulations 1994, S.I. 1994/2328; amended by S.I. 1994/3142 and 3144, 1996/2756 and 1999/1820	regulation 11
The Infant Formula and Follow-on Formula Regulations 1995, S.I. 1995/77; amended by S.I. 1997/451	regulation 21
The Fresh Meat (Import Conditions) Regulations 1996, S.I. 1996/3125	All the provisions
The Products of Animal Origin (Import and Export) Regulations 1996, S.I. 1996/3124; amended by S.I. 1997/3023, 1998/994 and 1999/683	All the provisions
The Olive Oil (Designations of Origin) Regulations 1999, S.I. 1999/1513	All the provisions
The Feeding Stuffs (Establishment and Intermediaries) Regulations 1999, S.I. 1999/1872	All the provisions
The Feeding Stuffs (Enforcement) Regulations 1999, S.I. 1999/2325	All the provisions
The Animal Feeding Stuffs from Belgium (Control) (Scotland) Regulations 2000 S.I. 2000/16.	All the provisions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional and consequential provisions and savings in preparation for, in connection with or in consequence of the coming into force of provisions of the Food Standards Act 1999 and the operation of enactments repealed or amended by provisions of that Act. The Regulations extend to Scotland and come into force on 1st April 2000. They amend legislation relating to food safety, consumer protection and animal feeding stuffs to give effect to functions of the Food Standards Agency and to make saving and transitional provision relating to the transfer of functions to the Agency.

Regulation 2 provides definitions. Regulations 3 to 8 and Schedules 1 to 6 make consequential modifications to Regulations having effect under the Food Safety Act 1990. Regulation 9 and Schedule 7 make consequential modifications to Emergency Control Orders having effect under that Act. Regulation 10 and Schedule 8 make consequential provisions to other enactments. Regulation 11 and Schedule 9 make consequential provisions to Regulations in relation to the monitoring by the Agency of enforcement action. Regulation 12 makes consequential provisions to instruments, as defined in regulation 2(1), and court orders and decrees. Regulation 13 makes transitional provisions and savings.