

## 2003 No. 274

## FOOD

The Sweeteners in Food Amendment (Scotland) Regulations  
2003

<i>Made</i>	<i>4th June 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>5th June 2003</i>
<i>Coming into force</i>	<i>26th June 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a), and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Sweeteners in Food Amendment (Scotland) Regulations 2003 and shall come into force on 26th June 2003.

(2) These Regulations shall extend to Scotland only.

**Amendment of the Sweeteners in Food Regulations 1995**

2. The Sweeteners in Food Regulations 1995(d) (“the principal Regulations”) shall be amended in accordance with regulations 3 to 7.

3. In regulation 2 (interpretation)—

(a) in paragraph (1), for the definition of “permitted sweetener” there shall be substituted—  
““permitted sweetener” means—

- (a) the sweetener salt of aspartame-acesulfame in so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation’s Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition Paper 52 Addendum 8; and
- (b) any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out—
  - (i) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC(e); and

(a) 1990 c.16; sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6. Amendments made by Schedule 5 to the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.

(c) Section 48(4B) was inserted by the 1999 Act, Schedule 5, paragraph 21.

(d) S.I. 1995/3123, relevantly amended by S.I. 1996/1477, 1997/814, 1999/982 and S.S.I. 2001/212 and 2002/61.

(e) O.J. No. L178, 28/07/1995, p.1.

- (ii) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2;"; and
- (b) for paragraph (3)(c), there shall be substituted–
  - “(c) in Column 4, the maximum usable dose indicated in relation to a food is–
    - (i) in the case of all permitted sweeteners specified in Schedule 1 except cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use; and
    - (ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be, the maximum amount of free imide contained in saccharin and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use, measured in milligrams per kilogram or, as the case may be, per litre of the food;”.
- 4. In regulation 3(3) (sale and use of sweeteners), for “paragraph (4)” there shall be substituted “paragraphs (4) and (5)”.
- 5. After regulation 3(4) there shall be inserted–
  - “(5) No person shall use salt of aspartame-acesulfame (whether alone or in combination with either aspartame or acesulfame K, or with both) except–
    - (a) in or on any food listed in column 3 of Schedule 1 in relation to both aspartame and acesulfame K; and
    - (b) in an amount such that the maximum usable doses for aspartame and acesulfame K as listed in column 4 of that Schedule are not exceeded for each of the separate components of aspartame and acesulfame in the food concerned.”.
- 6. In regulation 5 (sale of food containing sweeteners), for “and (4)” there shall be substituted “, (4) and (5)”.
- 7. In regulation 5A(1) and (2) (compound foods), for “paragraph (2) or (3)” there shall be substituted “paragraph (2), (3) or (5)”.

*TOM McCABE*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
4th June 2003

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, further amend the Sweeteners in Food Regulations 1995 (S.I. 1995/3123, as already amended) (“the 1995 Regulations”) by–

- (a) granting authorisation for the marketing and use as a sweetener of salt of aspartame-acesulfame, as permitted by Article 5 of Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption (O.J. No. L 40, 11.2.89, p.27). Article 5 permits member States to authorise the marketing and use within their own territories of additives for a maximum of 2 years, pending consideration for inclusion in Directive 94/35/EC on sweeteners for use in foodstuffs (O.J. No. L 237, 10.9.94, p.3, as amended) (regulations 3(a) and 5);
- (b) clarifying the meaning of “maximum usable dose” as used in relation to cyclamic acid and its Na and Ca salt and saccharin and its Na, K and Ca salts (regulation 3(b)); and
- (c) making consequential changes in regulations 3(3) and regulation 5 and 5A of the 1995 Regulations (regulations 4, 6 and 7).

Copies of the Food Agriculture Organisation’s documents referred to in regulation 3(a) in the new definition of “permitted sweetener” may be obtained from the Stationery Office, PO Box 29, St Crispins House, Norwich NR3 1GN. Alternatively copies may be obtained online from [www.tso.co.uk](http://www.tso.co.uk).

No regulatory impact assessment has been prepared in relation to these Regulations.

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