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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 599**

**FOOD**

**The Miscellaneous Food Additives Amendment  
(Scotland) (No. 2) Regulations 2003**

*Made* - - - - 9th December 2003  
*Laid before the Scottish*  
*Parliament* - - - - 10th December 2003  
*Coming into force* - - 17th January 2004

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)<sup>(2)</sup> of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B)<sup>(3)</sup> of that Act, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives Amendment (Scotland) (No. 2) Regulations 2003 and shall come into force on 17th January 2004.

(2) These Regulations extend to Scotland only.

**Amendment of the Miscellaneous Food Additives Regulations 1995**

2. In Schedule 3 to the Miscellaneous Food Additives Regulations 1995<sup>(4)</sup>, in the entry for E425 for the words in the third column of that entry, substitute “Foods in general (except those referred to in Schedules 6, 7 and 8, and jelly confectionery, including jelly mini-cups)”.

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- (1) 1990 c. 16; sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (“the 1999 Act”), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 5 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) (“the 1998 Act”) 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 1998 Act.
- (2) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.
- (3) Section 48(4B) was inserted by the 1999 Act, Schedule 5, paragraph 21.
- (4) S.I. 1995/3187; amended by S.I. 1997/1413 and 1999/1136, and by S.S.I. 2001/38, 103 and 450 and 2003/132, 291, 293 and 311.

St Andrew's House, Edinburgh  
9th December 2003

*TOM McCABE*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations, which extend to Scotland only, amend the Miscellaneous Food Additives Regulations 1995, as already amended (“the principal Regulations”) which apply to the whole of Great Britain.

These Regulations implement Directive [2003/52/EC](#) of the European Parliament and of the Council (O.J. No. L 178, 17.7.03, p.23) amending Directive [95/2/EC](#) (O.J. No. L 61, 18.3.95, p.1) as regards the conditions of use for a food additive E425 konjac.

These Regulations provide for E425 konjac to be used in foodstuffs in general (except in certain foods as are specified in the principal Regulations) but not in jelly confectionery. Jelly confectionery includes jelly mini-cups (regulation 2).

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