

**2004 No. 394**

**FOOD**

**The Food Safety (General Food Hygiene) Amendment  
(Scotland) Regulations 2004**

*Made* - - - - - *14th September 2004*

*Laid before the Scottish Parliament* *15th September 2004*

*Coming into force* - - - *7th October 2004*

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) Amendment (Scotland) Regulations 2004 and shall come into force on 7th October 2004.

(2) These Regulations extend to Scotland only.

**Amendment of the Food Safety (General Food Hygiene) Regulations 1995**

**2.**—(1) The Food Safety (General Food Hygiene) Regulations 1995(b) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation), for the definition of “list of acceptable previous cargoes for liquid oils or fats” substitute—

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(a) 1972, c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), (“the 1998 Act”), Schedule 8, paragraph 15(3). The function conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.I. 1995/1763, amended by S.I. 1997/2537; there are other amending instruments but none are relevant.

“list of acceptable previous cargoes for liquid oils or fats” means the list set out in the Annex to Commission Directive 96/3/EC(a) granting a derogation from certain provisions of Council Directive 93/43/EEC(b) on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea as amended by Commission Directive 2004/4/EC(c) amending Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea;”.

*TOM McCABE*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
14th September 2004

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(a) O.J. No. L 21, 27.1.96, p.42.  
(b) O.J. No. L 175, 19.7.1993, p.1.  
(c) O.J. No. L 15, 22.1.04, p.25.

## **EXPLANATORY NOTE**

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

These Regulations, which extend to Scotland only, further amend the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763 as already amended) (“the 1995 Regulations”) which extend to the whole of Great Britain.

These Regulations implement Commission Directive 2004/4/EC amending Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea (O.J. No. L 15, 22.1.04, p.25) by substituting a revised definition of the phrase “list of acceptable previous cargoes for liquid oils of fats” for the existing definition of that phrase in regulation 2(1) of the 1995 Regulations (regulation 2(2)). The revised definition now refers to the list set out in the Annex to Commission Directive 96/3/EC (O.J. No. L 21, 27.1.96, p.42) as replaced by the Annex to Commission Directive 2004/4/EC.

Chapter IV of Schedule 1 to the 1995 Regulations provides that the bulk transport in sea-going vessels of liquid oils or fats which are to be processed and which are intended for or are likely to be used for human consumption is permitted in tanks that are not exclusively reserved for the transport of foodstuffs if a specified number of previous cargoes transported in the tanks were from the “list of acceptable previous cargoes for liquid oils or fats” as defined in regulation 2(1) of the 1995 Regulations.

No Regulatory Impact Assessment has been prepared in relation to these Regulations.

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