SCOTTISH STATUTORY INSTRUMENTS

## 2005 No. 616

# AGRICULTURE FOOD

The Official Feed and Food Controls (Scotland) Regulations 2005

Made - - - -Laid before the Scottish Parliament - -

Coming into force

30th November 2005 1st December 2005 1st January 2006

### THE OFFICIAL FEED AND FOOD CONTROLS (SCOTLAND) REGULATIONS 2005

#### PART 1

#### PRELIMINARY

- 1. Citation, commencement and extent
- 2. Interpretation
- 3. Appointment of authorised officers

#### PART 2

#### MAIN PROVISIONS

- 4. Competent authorities
- 5. Exchanging and providing information
- 6. Obtaining information
- 7. Power to issue codes of recommended practice
- 8. Monitoring of enforcement action
- 9. Power to request information relating to enforcement action
- 10. Power of entry for persons monitoring enforcement action
- 11. Meaning of "enforcement authority" and related expressions
- 12. Offences relating to regulations 9 and 10
- 13. Right of appeal
- 14. Appeal to Court of Session against dismissal of appeal under regulation 13(1)
- 15. Staff of competent authority of another member State

- 16. Commission experts
- 17. Prohibition on disclosure of trade secrets
- 18. Execution and enforcement
- 19. Powers of entry
- 20. Obstruction etc. of officers
- 21. Penalties
- 22. Time limit for commencement of prosecutions

#### PART 3

#### OFFICIAL CONTROLS ON FEED AND FOOD OF NON–ANIMAL ORIGIN FROM THIRD COUNTRIES

- 23. Interpretation of this Part of these Regulations
- 24. Feed enforcement responsibilities
- 25. Food enforcement responsibilities
- 26. Deferred execution and enforcement
- 27. Prohibition on introduction of certain feed and food
- 28. Checks on products
- 29. Detention, destruction, special treatment, re-dispatch and other appropriate measures and costs
- 30. Notices pursuant to Article 19 of Regulation 882/2004 (imports of feed and food from third countries)
- 31. Right of appeal in respect of notices served under regulation 30
- 32. Appeal to Court of Session against dismissal of appeal under regulation 31
- 33. Serious risk to animal or public health
- 34. Liability for charges
- 35. Procurement by authorised officers of samples with regard to food
- 36. Analysis etc. of samples
- 37. Powers of entry of authorised officers of a food authority
- 38. Obstruction etc. of officers (imports)
- 39. Offences and penalties
- 40. Time limit for commencement of prosecutions (imports)

#### PART 4

#### AMENDMENT OF THE GENERAL FOOD REGULATIONS 2004

41. Amendment of the General Food Regulations 2004

#### PART 5

#### ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

- 42. Offences due to fault of another person
- 43. Defence of due diligence
- 44. Offences by bodies corporate
- 45. Offences by Scottish partnerships
- 46. Protection of officers acting in good faith
- 47. Service of documents
- 48. Consequential amendment
- 49. Revocations Signature

#### **SCHEDULES**

DEFINITIONS OF COMMUNITY LEGISLATION SCHEDULE 1

"Directive 2004/41" means Directive 2004/41/EC of the European...

"Regulation 999/2001" means Regulation ( EC ) No 999/2001 of ...

"Regulation 178/2002 " means Regulation (EC) No. 178/2002 of... "Regulation 1642/2003 " means Regulation (EC) No. 1642/2003 of...

"Regulation 852/2004" means Regulation (EC) No. 852/2004 of...

"Regulation 853/2004" means Regulation (EC) No. 853/2004 of ...

"Regulation 882/2004" means Regulation (EC) No. 882/2004 of ...

"Regulation 1688/2005" means Commission Regulation (EC) No. 1688/2005...

"Regulation 2073/2005 " means Commission Regulation (EC) No. 2073/2005...

"Regulation 2074/2005 "means Commission Regulation (EC) No. 2074/2005...

"Regulation 2076/2005 "means Commission Regulation (EC) No. 2076/2005...

DEFINITION OF RELEVANT FEED LAW SCHEDULE 2 "relevant feed law" means-(a) Part IV of the Agriculture...

SCHEDULE 3 DEFINITION OF RELEVANT FOOD LAW

"relevant food law" means- (a) food law in so far...

SCHEDULE 4	COMPETENT AUTHORITIES FOR THE PURPOSES
	OF CERTAIN PROVISIONS OF REGULATION
	882/2004 IN SO FAR AS THEY APPLY IN RELATION
	TO RELEVANT FEED LAW
SCHEDULE 5	COMPETENT AUTHORITIES FOR THE PURPOSES
	OF CERTAIN PROVISIONS OF REGULATION
	882/2004 IN SO FAR AS THEY APPLY IN RELATION
	TO RELEVANT FOOD LAW
SCHEDULE 6	REVOCATIONS

Explanatory Note

**Changes to legislation:** There are currently no known outstanding effects for the The Official Feed and Food Controls (Scotland) Regulations 2005.