
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 517

**The Plastic Materials and Articles in Contact
with Food (Scotland) (No. 2) Regulations 2006**

PART 5

General and Supplementary

Application of provisions of the Act

22. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of the Act—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 30(8) (relating to documentary evidence);
- (d) section 36 (offences by bodies corporate);
- (e) section 36A (offences by Scottish Partnerships); and
- (f) section 44 (protection of officers acting in good faith).

Amendment to the Food Safety (Sampling and Qualifications) Regulations 1990

23. In Schedule 1 (provisions to which these Regulations do not apply) to the Food Safety (Sampling and Qualifications) Regulations 1990(1), for the title and reference of the 2006 Regulations substitute the title and reference of these Regulations.

Amendments to the Materials and Articles in Contact with Food (Scotland) Regulations 2005

24.—(1) The 2005 Regulations are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1)—

(a) after the definition of “the Agency” insert—

“Directive [2002/72/EC](#)” means Commission directive [2002/72/EC](#) relating to plastic materials and articles intended to come into contact with foodstuffs(2), as amended by Commission Directive 2004/1(3), Commission Directive 2004/19(4) and Commission Directive [2005/79/EC](#)(5);

(b) in the definition of “the 2006 Regulations” after “(Scotland)” insert “(No. 2)”.

(3) In regulation 8—

(1) S.I.1990/2463.

(2) O.J. No. L 220, 15.8.02, p.18.

(3) O.J. No. L 7, 13.1.04, p.45.

(4) O.J. No. L 71, 10.3.04, p.8.

(5) O.J. No. L 302, 19.11.05, p.35.

- (a) at the beginning of paragraph (2) insert “Except in paragraph (4),”;
- (b) for paragraph (4) substitute–
 - (4) No person shall manufacture any coating to be applied to film referred to in paragraph (3)
 - (b) using any substance or group of substances except those listed in Annexes II, III or IV to Directive [2002/72/EC](#) and other than in accordance with the appropriate requirements, restrictions and specifications contained in those Annexes and in the 2006 Regulations..
- (4) In regulation 9–
 - (a) in paragraph (3), for “in Part 1 of Schedule 1 to the 2006 Regulations” substitute “in Section A or B of Annex II to Directive [2002/72/EC](#)”;
 - (b) in paragraph (3)(b) for “that Part as read with Part 2 of that Schedule” substitute “those Sections as read with the general introduction to that Annex”; and
 - (c) in paragraph (5), for “Schedules 5 and 6” substitute “Schedules 2 and 3”.
- (5) In regulation 10(2) for “proceedings for an offence under regulation” substitute “proceedings for an offence of contravening regulation”.

Revocation

- 25. The 2006 Regulations are revoked.