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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 261**

**The Food Irradiation (Scotland) Regulations 2009**

**Interpretation**

3.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“the Agency” means the <sup>[F1</sup>Food Standards Scotland];

“approval” includes a licence;

“approved” includes “licensed”;

<sup>[F2</sup>“import” means to introduce from a country outside the United Kingdom;]

“ionising radiation” means any gamma rays, X-rays or corpuscular radiations which are capable of producing ions either directly or indirectly;

“irradiated” means treated by ionising radiation, and similar expressions shall be construed accordingly;

“licence” except in regulation 7(a)(ii)(bb) means a licence granted by the Agency in accordance with Schedule 2 to a person and a facility to irradiate food and “licensed” and “licensee” shall be construed accordingly;

<sup>[F3</sup>“official reference number” in relation to a facility means the reference number allocated and listed for approved irradiation facilities in schedules 3 and 4;]

“sell” includes possess, offer, expose and advertise for sale, and “sale” shall be construed accordingly.

(2) For the purposes of these Regulations—

(a) “properly irradiated food” means food which—

(i) was either irradiated alone or as part of a batch of food in which each item was food which fell within the same permitted category of food; and

(ii) has not been over-irradiated,

and “proper irradiation” shall be construed accordingly;

(b) food falls within a permitted category of food when (excluding the weight of any added water) no less than 98 per cent of it by weight falls within that category, and “item”, in relation to a batch of food, means each item within that batch intended to be capable of being sold individually;

(c) the permitted categories of food are—

(i) fruit;

(ii) vegetables;

(iii) cereals;

(iv) bulbs and tubers;

(v) dried aromatic herbs, spices and vegetable seasonings;

(vi) fish and shellfish; and

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- (vii) poultry;
- (d) in the permitted categories of food—
  - (i) “fruit” includes fungi, tomatoes and rhubarb;
  - (ii) “vegetables” excludes fruit, cereals, bulbs and tubers and dried aromatic herbs, spices and vegetable seasonings but includes pulses;
  - (iii) “bulbs and tubers” means potatoes, yams, onions, shallots and garlic;
  - (iv) “fish and shellfish” includes eels, crustaceans and molluscs; and
  - (v) “poultry” means domestic fowls, geese, ducks, guinea fowls, pigeons, quails and turkeys;
- (e) food has been over-irradiated either when the overall average dose of ionising radiation absorbed by it, measured in accordance with Schedule 1, exceeds, in the case of—
  - (i) fruit, 2 kGy;
  - (ii) vegetables, 1 kGy;
  - (iii) cereals, 1 kGy;
  - (iv) bulbs and tubers, 0.2 kGy;
  - (v) dried aromatic herbs, spices and vegetable seasonings, 10 kGy;
  - (vi) fish and shellfish, 3 kGy; or
  - (vii) poultry, 7 kGy,
 or in the circumstances described in paragraph (3).
- (3) The circumstances are that the maximum dose of ionising radiation absorbed by the food, or by any food in the same batch, measured in accordance with Schedule 1, is—
  - (a) more than 3 times the minimum dose absorbed by it; or
  - (b) more than 1.5 times the overall average dose specified for the food in paragraph (2)(e).

#### Textual Amendments

- F1** Words in [reg. 3\(1\)](#) substituted (1.4.2015) by [The Food \(Scotland\) Act 2015 \(Consequential and Transitional Provisions\) Order 2015 \(S.S.I. 2015/100\)](#), arts. 1(2), 2, **sch. para. 23**
- F2** Words in [reg. 3](#) substituted (31.12.2020) by [The Food and Feed Safety and Hygiene \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/52\)](#), regs. 1(1), **6(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 3](#) substituted (31.12.2020) by [The Food and Feed Safety and Hygiene \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/52\)](#), regs. 1(1), **6(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)