

This Scottish Statutory Instrument has been made in consequence of defects in S.S.I. 2010/89 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2010 No. 127

FOOD

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment (No. 2) Regulations 2010

<i>Made</i>	- - - -	<i>23rd March 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>24th March 2010</i>
<i>Coming into force</i>	- -	<i>9th April 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17, 31 and 48(1) of and paragraphs 1 and 4(b) of Schedule 1 to the Food Safety Act 1990⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency⁽²⁾.

There has been consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾.

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- (1) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; sections 16(1), 17, 31 and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”); section 17 was also amended by paragraph 12 of Schedule 5 to the 1999 Act; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990; 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, in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not so transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (3) O.J. No. L 31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.2003, p.4), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.2006, p.3), Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.2008, p.17) and Regulation (EC) No. 596/2009 of the European Parliament and of the Council (O.J. No. L 188, 18.7.2009, p.14).

Citation and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment (No. 2) Regulations 2010 and come into force on 9th April 2010.

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2010

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2010⁽⁴⁾ are amended in accordance with regulations 3 and 4.

3. In Schedule 1 (Schedule inserted after Schedule 1 to the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007⁽⁵⁾), for “relevant authority” wherever it appears in the inserted Schedule 1A substitute “food authority”.

4. In Schedule 2 (Schedules inserted after Schedule 8 to the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007), in the inserted Schedule 9—

- (a) in the entry for Ammonium—
 - (i) in the column headed “Concentration or value”, for “200” substitute “0,50”; and
 - (ii) in the column headed “Unit”, for “µg/l” substitute “mg/l”; and
- (b) in Notes 2, 3 and 4, “parameter” is omitted in each place where it appears.

St Andrew’s House, Edinburgh
23rd March 2010

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2010/89.

(5) S.S.I. 2007/483, amended by S.S.I. 2009/273.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2010 in order to correct errors in the new Schedules 1A and 9 to be inserted by those Regulations into the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the costs of business.