

*This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2009/435 and is being issued free of charge to all known recipients of that instrument.*

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## SCOTTISH STATUTORY INSTRUMENTS

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### 2010 No. 26

### FOOD

## The Food Enzymes (Scotland) Amendment Regulations 2010

<i>Made</i>	- - - -	<i>3rd February 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>4th February 2010</i>
<i>Coming into force</i>	- -	<i>12th February 2010</i>

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

In accordance with section 48(4A) of that Act, they 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).

#### Citation and commencement

1. These Regulations may be cited as the Food Enzymes (Scotland) Amendment Regulations 2010 and come into force on 12th February 2010.

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- (1) 1990 c.16: section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; section 16 was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”); and section 48 was amended by paragraph 21 of Schedule 5 to the 1999 Act and 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 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, those 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 section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act. Section 48(4) was disappplied in respect of these Regulations by virtue of section 48(4C) which was inserted by regulation 5(b) of the Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. 2004/2990).
- (3) O.J. No. L 31, 1.2.02, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (O.J. No. L 188, 18.7.2009, p.14).

## **Amendment of the Food Enzymes (Scotland) Regulations 2009**

- 2.—(1) The Food Enzymes (Scotland) Regulations 2009<sup>(4)</sup> are amended as follows.  
(2) For regulation 8 substitute—

### **“Amendment of the Caseins and Caseinates (Scotland) Regulations 1986**

**8.** In the Schedule to the Caseins and Caseinates (Scotland) Regulations 1986<sup>(5)</sup>, in column 2 of Part II (technological adjuvants and bacterial cultures) after “rennet” and “other milk-coagulating enzymes” in each case add “meeting the requirements of Regulation (EC) No. 1332/2008<sup>(6)</sup> of the European Parliament and of the Council on food enzymes”.

St Andrew’s House, Edinburgh  
3rd February 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

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<sup>(4)</sup> S.S.I. 2009/435.

<sup>(5)</sup> S.I. 1986/836, as amended by S.I. 1990/1 and 2625, 1991/1476, 1992/2596 and S.S.I. 2005/616.

<sup>(6)</sup> O.J. No. L 354, 31.12.08, p.7.

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## EXPLANATORY NOTE

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

These Regulations correct an error in the Food Enzymes (Scotland) Regulations 2009. They amend the Caseins and Caseinates (Scotland) Regulations 1986 and delete from the 2009 Regulations the provision which purported to amend the Caseins and Caseinates Regulations 1985 (S.I. 1985/2026). Those 1985 Regulations do not in fact have any application in Scotland.

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