
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 327

**The Materials and Articles in Contact
with Food (Scotland) Regulations 2010**

PART 2

General Requirements for Materials and Articles

Offences of contravening specified provisions of Regulation 1935/2004

4. Subject to the transitional provisions contained in Article 27 of Regulation 1935/2004, any person who contravenes any of the following provisions of that Regulation is guilty of an offence—

- (a) Article 3 (general requirements);
- (b) Article 4 (special requirements for active and intelligent materials and articles);
- (c) Article 11(4) and (5) (provisions relating to authorisation at EU level);
- (d) Article 15(1), (3), (4), (7) and (8) (labelling);
- (e) Article 16(1) (declaration of compliance);
- (f) Article 17(2) (traceability).

Offence of contravening Article 4 of Regulation 2023/2006

5. Any person who fails to comply with the requirements of Article 4 (conformity with good manufacturing practice) of Regulation 2023/2006 is guilty of an offence.

Offences of contravening specified provisions of Regulation 450/2009

6. Subject to the transitional provisions contained in Article 14 of Regulation 450/2009, any person who contravenes any of the following provisions of that Regulation is guilty of an offence—

- (a) Article 4 (placing on the market of active and intelligent materials and articles);
- (b) Article 5(1) (list of substances that may be used in active and intelligent components), as read with Article 5(2);
- (c) Article 9(1) (relating to certain categories of substances not on the authorised list), as read with Article 9(2) and (3);
- (d) Article 10(1) (relating to a category of substances not on the authorised list), as read with Article 10(2);
- (e) Article 11(1) and (2) (rules on labelling);
- (f) Article 12 (requirement for a declaration of compliance);
- (g) Article 13 (requirements relating to supporting documentation).

Competent authorities

7.—(1) The following bodies are designated as the competent authorities for the purposes of the provisions of Regulation 1935/2004 as specified below—

- (a) in respect of Articles 9 and 13, the Food Standards Agency;
- (b) in respect of Articles 16(1) and 17(2), the Food Standards Agency and each food authority in its area.

(2) The competent authority for the purposes of Article 6(2) and 7(3) of Regulation 2023/2006 is each food authority in its area.

(3) The competent authorities for the purposes of Article 13 of Regulation 450/2009 are the Food Standards Agency and each food authority in its area.