

*This Scottish Statutory Instrument has been made in consequence of defects in S.S.I. 2009/446 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. 5**

**AGRICULTURE**

**FOOD**

**The Official Feed and Food Controls (Scotland) Amendment  
Regulations 2010**

*Made* - - - - *18th January 2010*

*Laid before the Scottish Parliament* *19th January 2010*

*Coming into force* - - *25th January 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

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(b).

**Citation and commencement**

1. These Regulations may be cited as the Official Feed and Food Controls (Scotland) Amendment Regulations 2010 and come into force on 25th January 2010.

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- (a) 1972 c.68 (the “1972 Act”). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (the “1998 Act”), section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) (the “2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) (the “2008 Act”). The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, 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) and by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).
- (b) 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, 29.9.2002, 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).

## **Amendment of the Official Feed and Food Controls (Scotland) Regulations 2009**

2.—(1) The Official Feed and Food Controls (Scotland) Regulations 2009(a) are amended in accordance with paragraphs (2), (3) and (4).

(2) For regulation 30 substitute—

### **“Suspension of designation of points of entry**

**30.**—(1) Where the Agency is satisfied that—

- (a) the continued operation of a designated point of entry presents a serious risk to public or animal health; or
- (b) at a designated point of entry, there has been a serious breach of the minimum requirements for designated points of entry laid down in Article 4 of Regulation 669/2009,

it may suspend the designation of the point of entry either in full or in part by service on the operator of the point of entry of a written notice to that effect.

(2) Upon service of a notice under paragraph (1), the point of entry shall cease to be a designated point of entry to the extent specified in that notice until it is again so designated in accordance with Article 17(1) of Regulation 882/2004.”.

(3) In regulation 38(10) for “35” substitute “37”.

(4) In regulation 46(2)—

- (a) after “unless” insert “at the earlier of”; and
- (b) in sub-paragraph (a) omit “at the earlier of”.

St Andrew’s House,  
Edinburgh  
18th January 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

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(a) S.S.I. 2009/446.

## **EXPLANATORY NOTE**

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

These Regulations make minor amendments to the Official Feed and Food Controls (Scotland) Regulations 2009 so as to correct errors in those Regulations.

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

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