

**2014 No. 213**

**FOOD**

**The Food Hygiene and Official Feed and Food Controls  
(Scotland) Amendment Regulations 2014**

*Made* - - - - - *29th July 2014*

*Laid before the Scottish Parliament* *31st July 2014*

*Coming into force* - - - *1st October 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2), and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so(a).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for any reference to Regulation (EU) No. 211/2013(b) to be construed as a reference to that instrument as amended from time to time.

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(c).

**Citation and commencement**

1. These Regulations may be cited as the Food Hygiene and Official Feed and Food Controls (Scotland) Amendment Regulations 2014 and come into force on 1st October 2014.

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(a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”), section 27 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), in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not transferred, and insofar 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). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act.

(b) OJ L 68, 12.3.2013, p.26, as last amended by Regulation (EU) No. 704/2014.

(c) OJ L 31, 1.2.2002, p.1, as last amended by 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/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ L 188, 18.7.2009, p.14).

## **The Food Hygiene (Scotland) Regulations 2006**

2.—(1) The Food Hygiene (Scotland) Regulations 2006(a) are amended in accordance with this Regulation.

(2) In regulation 2(1) (interpretation), in the definition beginning “Decision 2006/766”—

(a) for “and” substitute “;”; and

(b) after “Regulation 1079/2013” insert “and Regulation 579/2014(b).”.

(3) In Schedule 1 (definitions of EU legislation), after the definition of Regulation 1079/2013, insert—

““Regulation 579/2014” means Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and the Council as regards the transport of liquid oils and fats by sea(c).”.

(4) In Schedule 2 (specified Community provisions), in the third entry (referring to Article 4(2) of Regulation 852/2004), at the end of column 2 (subject-matter), omit the full stop and insert “and Regulation 579/2014(d).”.

(5) In Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats or of raw sugar)—

(a) omit paragraphs 2 to 6;

(b) in paragraph 14(1) omit “Commission Directive 96/3/EC or”; and

(c) omit paragraph 14(2).

## **The Official Feed and Food Controls (Scotland) Regulations 2009**

3.—(1) The Official Feed and Food Controls (Scotland) Regulations 2009(e) are amended in accordance with this Regulation.

(2) In regulation 2(1) (interpretation)—

(a) for the definition beginning “Directive 2004/41”, substitute—

““Directive 2004/41”, “Regulation 999/2001”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 1020/2008”, “Regulation 669/2009”; “Regulation 211/2013(f)”; and “Regulation 702/2013” have the meanings respectively given to them in Schedule 1;”; and

(b) for the definition of “the Import Provisions” substitute—

““the Import Provisions” means Part 3 of these Regulations, Article 14 of Regulation 882/2004 in so far as it applies to official controls to verify compliance with aspects of feed or food law not covered by Directive 97/78/EC(g), Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009, Regulation 211/2013(h) and Regulation 704/2014 amending Regulation 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts(i);”.

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(a) S.S.I. 2006/3. Relevant amending instruments are S.S.I. 2012/75 and S.S.I. 2013/336.

(b) OJ L 160, 29.5.2014, p.14.

(c) OJ L 160, 29.5.2014, p.14.

(d) OJ L 160, 29.5.2014, p.14.

(e) S.S.I. 2009/446. Relevant amending instruments are S.S.I. 2013/333 and S.S.I. 2013/336.

(f) OJ L 68, 12.3.2013, p.26, as last amended by Regulation (EU) No. 704/2014.

(g) Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p.9).

(h) OJ L 68, 12.3.2013, p.26, as last amended by Regulation (EU) No. 704/2014.

(i) OJ L 186, 26.6.2014, p.49.

(3) In Schedule 1 (definitions of EU legislation)—

(a) after the definition of “Regulation 669/2009” omit “and” and insert—

““Regulation 211/2013” means Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts(a); and”.

St Andrew’s House,  
Edinburgh  
29th July 2014

*ALEX NEIL*  
A member of the Scottish Government

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(a) OJ L 68, 12.3.2013, p.26, as last amended by Regulation (EU) No. 704/2014.

## EXPLANATORY NOTE

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

These Regulations implement Commission Regulation (EU) No. 704/2014 amending Commission Regulation (EU) 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts. They also implement Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 as regards the transport of liquid oils and fats by sea.

Regulation 2 implements Commission Regulation (EU) No. 579/2014 in whole, by amending the Food Hygiene (Scotland) Regulations 2006.

Regulation 3 implements Commission Regulation (EU) No. 704/2014 in whole, by amending the Official Feed and Food Controls (Scotland) Regulations 2009.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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