

**2015 No. 100**

**FOOD**

**The Food (Scotland) Act 2015 (Consequential and Transitional Provisions) Order 2015**

<i>Made</i>	- - - -	<i>3rd March 2015</i>
<i>Laid before the Scottish Parliament</i>		<i>3rd March 2015</i>
<i>Coming into force</i>	- -	<i>1st April 2015</i>

The Scottish Ministers, make the following Order in exercise of the powers conferred on them by section 61(a) and (b) of the Food (Scotland) Act 2015(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Food (Scotland) Act 2015 (Consequential and Transitional Provisions) Order 2015.

(2) This Order comes into force on 1st April 2015.

(3) In this Order—

“the Act” means the Food (Scotland) Act 2015;

“the 1999 Act” means the Food Standards Act 1999(b);

“the 2015 Act” means the Food (Scotland) Act 2015;

“the Agency” means “the Food Standards Agency”;

“Agency document” means any document issued or made by or on behalf of the Food Standards Agency, including—

- (a) schemes;
- (b) codes of practice;
- (c) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;
- (d) appointments (other than any appointment to an advisory committee);
- (e) approvals, authorisations, licences, provisional licences and registrations;
- (f) designations;
- (g) notices;
- (h) certificates; and

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(a) 2015 asp 1.

(b) 1999 c.28.

- (i) warrants;

**Amendment of secondary legislation**

2. The Regulations specified in the Schedule are amended by substituting “Food Standards Scotland” for “Foods Standards Agency”.

3. Paragraph (ca) of Schedule 1 to the Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2002 is amended by substituting “Food Standards Scotland” for “the Food Standards Agency”.

**Transitional provisions**

4. On the coming into force of this Order any proceedings raised by, or against, the Food Standards Agency which relate to Scotland and which have not been finally determined are to be treated as having been raised by, or against, Food Standards Scotland.

5. Any Agency document insofar as relating to Scotland issued or made, prior to the coming into force of this Order, so far as may be necessary or expedient for any function of Food Standards Scotland is deemed to be issued or made by Food Standards Scotland.

*MAUREEN WATT*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
3rd March 2015

## SCHEDULE

Regulation 3

### Amendment of Regulations

1. The Ice Cream (Scotland) Regulations 1948**(a)**; at—  
regulation 1(3) (interpretation).
2. The Sludge (Use in Agriculture) Regulations 1989**(b)**; at—  
regulation 8(4)(iii) (dedicated sites).
3. The Environmental Protection (Applications, Appeals and Registers) Regulations 1991**(c)**;  
at—  
regulation 4(1)(m) (consultation).
4. The Welfare of Animals (Slaughter or Killing) Regulations 1995**(d)**; at—  
regulation 2(1) (interpretation).
5. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999**(e)**; at—  
regulation 2(2) (interpretation).
6. The Feeding Stuffs (Enforcement) Regulations 1999**(f)**; at—  
regulation 2(1) (interpretation).
7. The Foods for Special Medical Purposes (Scotland) Regulations 2000**(g)**; at—  
regulation 3(3)(a) (restrictions on sale).
8. The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002**(h)**;  
at:—  
regulation 2(1) (interpretation) at the definition of “the Agency”; and  
regulation 32(6) (safeguard).
9. The Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003**(i)**;  
at:—  
regulation 6(a) (exchange of information).
10. The Genetically Modified Food (Scotland) Regulations 2004**(j)**; at—  
regulation 3 (submission of applications for authorisation to market products).
11. The Genetically Modified Animal Feed (Scotland) Regulations 2004**(k)**; at—  
regulation 3 (submission of applications for authorisation to market products).

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(a) S.I. 1948/960.

(b) S.I. 1989/1263.

(c) S.I. 2000/507.

(d) S.I. 1995/731.

(e) S.I. 1999/1872.

(f) S.I. 1999/2325.

(g) S.S.I. 2000/130.

(h) S.S.I. 2002/541, to which there are amendments not relevant to this Order.

(i) S.S.I. 2203/576, to which there are amendments not relevant to this Order.

(j) S.S.I. 2004/432, to which there are amendments not relevant to this Order.

(k) S.S.I. 2004/433, to which there are amendments not relevant to this Order.

- 12.** The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005**(a)**; at:—  
regulation 29(1)(vi) (advice etc. provided by other responders and other bodies).
- 13.** The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005**(b)**; at—  
regulation 2(1) (interpretation) at the definition of “the Agency”.
- 14.** The Food Hygiene (Scotland) Regulations 2006**(c)**; at—  
regulation 2(1) (interpretation) at the definition of “the Agency”.
- 15.** The Notification of Marketing of Food for Particular Nutritional Uses (Scotland) Regulations 2007**(d)**; at—  
regulation 3(2) (restriction on sale); and  
regulation 4(1) and (2) (declaration).
- 16.** The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007**(e)**; at—  
regulation 9(1) (powers of the Food Standards Agency undertaking audits on behalf of the Scottish Ministers) and the heading to that paragraph becomes “Powers of Food Standards Scotland undertaking audits on behalf of Scottish Ministers”.
- 17.** The Nutrition and Health Claims (Scotland) Regulations 2007**(f)**; at—  
regulation 3(a) (competent authorities).
- 18.** The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007**(g)**; at—  
regulation 2(1) (interpretation) at the definition of “the Agency”.
- 19.** The Infant Formula and Follow-on Formula (Scotland) Regulations 2007**(h)**; at—  
regulation 2(1) (interpretation) at the definition of “the Agency”.
- 20.** The Specified Products from China (Restriction on First Placing on the Market) (Scotland) Regulations 2008**(i)**; at—  
regulation 5(4) (enforcement).
- 21.** The Aquatic Animal Health (Scotland) Regulations 2009**(j)**; at—  
regulation 46(1) (disclosure of information).
- 22.** The Meat (Official Controls Charges) (Scotland) Regulations 2009**(k)**; at—  
regulation 2(1) (interpretation) at the definition of “the Agency”.
- 23.** The Food Irradiation (Scotland) Regulations 2009**(l)**; at—  
regulation 3(1) (interpretation) at the definition of “the Agency”.

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**(a)** S.S.I. 2005/494, to which there are amendments not relevant to this Order.

**(b)** S.S.I. 2005/608, to which there are amendments not relevant to this Order.

**(c)** S.S.I. 2006/3, to which there are amendments not relevant to this Order.

**(d)** S.S.I. 2007/37.

**(e)** S.S.I. 2007/91.

**(f)** S.S.I. 2007/383.

**(g)** S.S.I. 2007/420.

**(h)** S.S.I. 2007/549, to which there are amendments not relevant to this Order.

**(i)** S.S.I. 2008/148, to which there are amendments not relevant to this Order.

**(j)** S.S.I. 2009/85, to which there are amendments not relevant to this Order.

**(k)** S.S.I. 2009/262.

**(l)** S.S.I. 2009/261, to which there are amendments not relevant to this Order.

**24.** The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) regulations 2009(a); at—

Schedule 1 (specified provisions) in the second column (subject matter) for the entry relating to Article 3(2) in column 1 (provision of the Commission Regulation).

**25.** The Official Feed and Food Controls (Scotland) Regulations 2009(b); at—

regulation 2(1) (interpretation) at the definition of “the Agency”.

**26.** The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010(c); at—

regulation 2(1) (interpretation) at the definitions of “cutting plant” and “slaughterhouse”;

regulation 3 (appointment of competent authority);

regulation 12(2) (appointment of inspectors);

regulation 14(3) (powers of inspectors);

regulation 16(2)(a)(ii);

regulation 20(3) (enforcement); and

Schedule 7 (specified risk material, mechanically separated meat and slaughtering techniques), paragraphs 1, (appointment of the Food Standards Agency as the competent authority) and the heading to that paragraph becomes “Appointment of Food Standards Scotland as the competent authority”; 9(3)(b)(iii) (sheep and goats in a slaughterhouse), 13(1) and (2) (authorisation of cutting plants by the Food Standards Agency) and the heading to that paragraph becomes “Authorisation of cutting plants by Food Standards Scotland” and 16(2)(a)(ii) (staining and disposal of specified risk material).

**27.** The Animal Feed (Scotland) Regulations 2010(d); at—

regulation 5(2) and (3) (competent authorities for the purposes of Regulation 767/2009).

**28.** The Disclosure (Persons Engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011(e); in—

Schedule 1 at “Non Ministerial Departments”.

**29.** The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011(f); at—

regulation 2(1) (interpretation) at the definition of “the Agency”.

**30.** The Poultrymeat (Scotland) Regulations 2011(g); at—

regulation 2(1) (interpretation) at the definition of “the Agency”.

**31.** The Trade in Animals and Related Products (Scotland) Regulations 2012(h); at—

regulation 25(1); (2) and (3)(b) (safeguard measures); and

regulation 27(2)(b)(ii) (enforcement).

**32.** The Materials and Articles in Contact with Food (Scotland) Regulations 2012(i); at—

regulation 6(1)(a) and (b) (competent authorities for the purposes of Regulation 1935/2004 and Regulation 2023/2006).

regulation 8 (competent authorities for the purposes of regulation 450/2009);

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(a) S.S.I. 2009/427, to which there are amendments not relevant to this Order.

(b) S.S.I. 2009/446, to which there are amendments not relevant to this Order.

(c) S.S.I. 2010/177, to which there are amendments not relevant to this Order.

(d) S.S.I. 2010/393, to which there are amendments not relevant to this Order.

(e) S.S.I. 2011/146.

(f) S.S.I. 2011/282.

(g) S.S.I. 2011/318.

(h) S.S.I. 2012/177, to which there are amendments not relevant to this Order.

(i) S.S.I. 2012/318 amended by S.S.I. 2013/83.

regulation 15 (a) and(b) (competent authorities for the purposes of regulation 10/2011);  
and  
regulation 20 (2) (execution and enforcement).

**33.** The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012(**a**); at—  
regulation 3(1) (the competent authority); and  
regulation 18(2) (enforcement).

**34.** The Pollution Prevention and Control (Scotland) Regulations 2012(**b**); at—  
Schedule 4 (grant of permits) Part 2 (determination of Applications) paragraph 13(c)(i).

**35.** The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013(**c**); at—  
regulation 13 (competent authorities).

**36.** The Animal By-Products (Enforcement) (Scotland) Regulations 2013(**d**); at—  
regulation 22(4) (enforcement authority).  
regulation 28(4) (power to share information for enforcement purposes).

**37.** The Public Water Supplies (Scotland) Regulations 2014(**e**); at—  
regulation 2(1) (interpretation) at paragraph (b) of the definition of “human consumption purposes”.

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(a) S.S.I. 2012/321, to which there are amendments not relevant to this Order.  
(b) S.S.I. 2012/360, to which there are amendments not relevant to this Order.  
(c) S.S.I. 2013/266.  
(d) S.S.I. 2013/307.  
(e) S.S.I. 2014/364.

## **EXPLANATORY NOTE**

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

This Order makes provision in consequence of the Food (Scotland) Act 2015 (“the 2015 Act”). The Order comes into force on 1st April 2015.

Article 3 of, and the Schedule to, the Order make provision modifying secondary legislation. The modifications provided for are in consequence of provision in the 2015 Act which establishes Food Standards Scotland and provides that the relevant functions of the Food Standards Agency within the meaning of section 35 of the Food Standards Act 1999 c.28 cease to be exercisable in Scotland.

Articles 4 and 5 provide for transitional provisions.

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