

POLICY NOTE

THE FOOD (SCOTLAND) ACT 2015 (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) ORDER 2015

SSI 2015/100

1. The powers to make this instrument are conferred by section 59(1)(b) of the Food (Scotland) Act 2015 (“the 2015 Act”) and all the other powers enabling them to do so. It is subject to negative procedure.

Policy Objectives

2. This Order makes consequential provision for modifying secondary legislation - mainly Regulations made by the Scottish Ministers which refer to the Food Standards Agency as being the competent or enforcement authority for specific purposes. The modifications are in consequence of provisions 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 cease to be exercisable in Scotland.

3. The modifications will substitute “Food Standards Scotland” for the “Food Standards Agency” as appropriate in secondary legislation made in respect of Scotland.

4. This order also makes transitional provision to cover any legal proceedings that are unresolved at the time of the Order coming into force on 1 April 2015. The provision allows Food Standards Scotland to act in such proceedings instead of the Food Standards Agency on and after 1 April 2015.

Consultation

5. This instrument brings all remaining the powers within the 2015 Act into force, so that the Act will be fully implemented. A formal consultation was carried out for the Food (Scotland) Bill and the comments from stakeholders have been considered when drafting the instrument. Stakeholder responses to the consultation as well of summaries of stakeholder consultation events have been published on the Scottish Government’s website.

6. This Order has been shared with the shadow Board and Chief Executive designate of FSS.

Impact Assessments

7. A Business and Regulatory Impact Assessment and an Equalities Impact Assessment were carried out before the introduction of the Food (Scotland) Bill. These assessments were published to coordinate with the introduction of the Bill. A pre-screening report for Strategic Environment Assessment was also carried out before introduction of the Bill.

Financial Effects

8. No Business and Regulatory Impact Assessment has been prepared for this order as no financial effect or impact on the private, voluntary or public sectors is foreseen.

Population Health Improvement
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