

POLICY NOTE

THE FOOD (SCOTLAND) ACT 2015 (CONSEQUENTIAL PROVISIONS) (No. 2) ORDER 2015

SSI 2015/433

1. The above instrument was made in exercise of the powers conferred by section 61(a) and (b) of the Food (Scotland) Act 2015 (“the 2015 Act”). The instrument is subject to negative procedure.

Policy Objectives

2. This order amends the General Food Regulations 2004 (“the 2004 Regulations”) in respect of Scotland. The order will make Food Standards Scotland (FSS) a competent authority for certain provisions of European regulations on the general principles of food law in place of the UK-wide body, the Food Standards Agency (FSA). This order is part of a suite of measures being taken to ensure clarity around the roles and responsibilities which are now for FSS to undertake in the place of the FSA.

3. The 2004 Regulations currently specify the FSA as a competent authority for Scotland. This amendment is necessary as a result of the commencement of the 2015 Act which created FSS and removed the ability of the FSA to perform functions in Scotland. The statutory objectives of FSS contribute to consumer protection in respect of food and as this is a devolved matter it is no longer appropriate for the FSA to be a competent authority for the functions in the 2004 Regulations.

Consultation

4. This instrument is made as a consequence of the 2015 Act, and delivers on the overarching policy of the 2015 Act. The policy was subject to two consultations in 2013. The responses and the Scottish Government response which led to the 2015 Act are all published and can be found [here](#). As this order is delivering that policy which has been subject to two consultations, there is no additional consultation for this instrument.

Impact Assessments

5. Equality and environmental impact assessments were considered and published as appropriate for the 2015 Act. These assessments included full consideration of the transfer of responsibilities for all regulation from the FSA to FSS, and so no additional impact assessments are required for this instrument.

Financial Effects

6. A Business and Regulatory Impact Assessment (BRIA) was also carried out and published as appropriate for the 2015 Act, and so no additional BRIA is required for this instrument.