

2016 No. 260

FOOD

The Food Hygiene (Scotland) Amendment Regulations 2016

Made - - - - *7th September 2016*

Laid before the Scottish Parliament *9th September 2016*

Coming into force - - *15th October 2016*

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

These Regulations make provisions 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 an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex 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(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations 2016 and come into force on 15th October 2016.

(2) In these Regulations “the Principal Regulations” means the Food Hygiene (Scotland) Regulations 2006(c).

Amendment to the Principal Regulations

2.—(1) The Principal Regulations are amended in accordance with these regulations.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of “the Community Regulations” omit “Regulation 2075/2005” and “Regulation 1109/2011”;

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) OJ L 31, 1.2.2002, p.1, there are no relevant amendments to Article 9.

(c) S.S.I. 2006/3; relevant amending instruments are S.S.I. 2012/75, S.S.I. 2013/336 and S.S.I. 2014/118.

- (b) insert at the appropriate point “Regulation 2015/1375”.
- (3) In Schedule 1 (definitions of EU legislation)—
- (a) in the definition of “Regulation 854/2004” for “Regulation 2075/2005” substitute “Regulation 2015/1375;
 - (b) omit the definitions of “Regulation 2075/2005” and “Regulation 1109/2011”; and
 - (c) at the appropriate point insert ““Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for “*Trichinella*” in meat(a).”.
- (4) In Schedule 2 (Specified Community provisions)—
- (a) in the first column of the final entry, for “Regulation 2075/2005” substitute “Regulation 2015/1375”; and
 - (b) in the second column of the final entry, for the existing text substitute “Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings’ *Trichinella* status.”.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th September 2016

(a) OJ L 212, 11.8.2015 p.7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Food Hygiene (Scotland) Regulations 2006 (“the Principal Regulations”) implementing Commission Implementing Regulation (EU) No. 2015/1375 (“the Codification Regulation”) which codifies certain provisions laying down specific rules on official controls for *Trichinella* in meat.

Regulation 3 amends various definitions in the Principal Regulations to omit references to repealed EU Regulation and insert references to the Codification Regulation.

Regulation 2(5) of the Principal Regulations provides that any reference to an EU instrument defined in schedule 1 of those Regulations is ambulatory, i.e. it is a reference to that instrument as any Annex to it is amended from time to time.

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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