

POLICY NOTE

THE CASEINS AND CASEINATES (SCOTLAND) (No. 2) REGULATIONS 2016

SSI 2016 No. 422

1. Description

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1) and (3), 31(1) and 48(1) of the Food Safety Act 1990, section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so. This instrument is subject to the negative procedure.

2. Policy Objective

The main purpose of The Caseins and Caseinates (Scotland) (No2) Regulations 2016 is to revoke The Caseins and Caseinates (Scotland) Regulations 2016 and remake them in order to transpose Directive (EU) 2015/2203 relating to caseins and caseinates intended for human consumption and to provide enforcement powers.

3. Policy Background

The Caseins and Caseinates (Scotland) Regulations 2016 were laid in Parliament on 23 November 2016. An issue with version control meant that this SSI had errors and most importantly, an unintended consequence of making it an offence not to enforce the regulations. Scottish Government Legal Directorate made a commitment to the Delegated Powers and Law Reform Committee to remake and relay the instrument by 16th December 2016. The Caseins and Caseinates (Scotland) (No2) Regulations 2016 delivers that commitment.

4. Consultation

No consultation has been carried out as is normally required by Article 9 of regulation (EC) No 178/2002 of the European Parliament and of the Council as this instrument makes technical amendments and does not change the intent or the substance of the original regulations (which it revokes) which were consulted on.

5. Other Administrations

These Regulations apply in relation to Scotland only.

6. Guidance

Guidance notes for the new Regulation will be prepared in due course.

7. Impact Assessment

No additional impact on business is anticipated as a result of the technical changes being introduced in this instrument. Therefore, no Business and Regulatory Impact Assessment has been prepared.

8. Regulating small businesses

This Regulation will apply to all businesses with responsibility for manufacturing and labelling caseins and caseinates.

9. Monitoring

Food Standards Scotland will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will be monitored via general feedback from industry and Enforcement Authorities.

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