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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 372**

**The Food and Feed (EU Exit) (Scotland)  
(Amendment) Regulations 2020**

**PART 3**

Amendment of EU Exit subordinate legislation

**Amendment of the Food and Feed Safety and Hygiene (EU Exit) (Scotland) (Amendment) Regulations 2019**

5.—(1) The Food and Feed Safety and Hygiene (EU Exit) (Scotland) (Amendment) Regulations 2019 <sup>M1</sup> are amended as follows.

(2) In regulation 2 (amendment of the General Food Regulations 2004) for paragraph (2) substitute—

“(2) In regulation 4 (requirements under Regulation (EC) No. 178/2002: offences), paragraph (a), for “the Community” <sup>F1</sup>... substitute “ Great Britain ””.

(3) In regulation 6 (amendment of the Food Irradiation (Scotland) Regulations 2009) for paragraph (4) substitute—

“(4) In the heading to schedule 3 (“list of approved facilities in member states”) substitute “ List of Facilities in Member States and the United Kingdom ”.”

(4) In regulation 7 (amendment of the Official Feed and Food Controls (Scotland) Regulations 2009) omit paragraphs (11) to (14).

(5) In regulation 10 (amendment of the Materials and Articles in Contact with Food (Scotland) Regulations 2012) in paragraph (6) in the new regulation 10A to be inserted by that paragraph, for “the United Kingdom” each time it occurs substitute “ Great Britain ”.

**Textual Amendments**

**F1** Words in reg. 5(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(3), 5(3)

**Commencement Information**

**II** Reg. 5 in force at 31.12.2020 in force immediately before IP completion day, see reg. 1(2)(a)

**Marginal Citations**

**M1** [S.S.I. 2019/52](#).

### **Amendment of the Food Composition, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019**

6.—(1) The Food Composition, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019<sup>M2</sup> are amended as follows.

(2) In regulation 6 (amendment of The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013) for paragraph (2) substitute—

“(2) In regulation 8(b) for “the European Union” substitute “ Great Britain ””.

#### **Commencement Information**

**I2** Reg. 6 in force at 31.12.2020 immediately before IP completion day, see reg. 1(2)(a)

#### **Marginal Citations**

**M2** [S.S.I. 2019/53](#).

### **Amendment of the Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019**

7.—(1) The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019<sup>M3</sup> are amended as follows.

(2) Omit regulation 2 (amendment of the Foods for Special Medical Purposes (Scotland) Regulations 2000).

(3) Omit regulation 6 (amendment of the Infant Formula and Follow-on Formula (Scotland) Regulations 2007).

#### **Commencement Information**

**I3** Reg. 7 in force at 31.12.2020 immediately before IP completion day, see reg. 1(2)(a)

#### **Marginal Citations**

**M3** [S.S.I. 2019/54](#).

### **Amendment of The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019**

8.—(1) The Fishery Products (Official Controls Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019<sup>M4</sup> are amended as follows.

(2) In regulation 2 (amendment of the Fishery Products (Official Control Charges) (Scotland) Regulations 2007 for paragraph (2) substitute—

“(2) In regulation 2 (interpretation) [<sup>F2</sup>for] the definition of “third country” [<sup>F3</sup>substitute “third country”] (except in the expression “third country import”) means any country or territory other than the British Islands;”.

#### **Textual Amendments**

**F2** Word in reg. 8(2) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(3), **5(4)(a)**

**F3** Words in reg. 8(2) inserted (31.12.2020 immediately before IP completion day) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(3), **5(4)(b)**

**Commencement Information**

**I4** Reg. 8 in force at 31.12.2020 immediately before IP completion day, see reg. 1(2)(a)

**Marginal Citations**

**M4** S.S.I. 2019/100.

**Amendment of The Food Information, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019**

**9.**—(1) The Food Information, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019<sup>M5</sup> are amended as follows.

(2) In regulation 2 (amendment of the Quick-frozen Foodstuff Regulations 1990) in paragraph (2), in the new paragraph (1D) to be inserted by that paragraph, for “exit day” each time it occurs substitute “ IP completion day ”.

(3) In regulation 3 (amendment of the Food Hygiene (Scotland) Regulations 2006) for paragraph (2)(b) substitute—

“(b) after paragraph (8), insert—

“(9) Provided the requirements of subparagraph (a) or (b), as the case may be, are met, a person is to be considered not to have contravened or failed to comply with Article 5(1) of (EU) Regulation 853/2004<sup>M6</sup>, where—

(a) in the case of a health mark—

(i) the health mark was applied to a product of animal origin subject to Article 5(1) before IP completion day, and

(ii) the health mark complied with Article 5(1) as it applied immediately before IP completion day,

(b) in the case of an identification mark—

(i) the identification mark—

(aa) was applied to a product of animal origin subject to Article 5(1) before IP completion day, or

(bb) is applied to a product of animal origin subject to Article 5(1) no later than 21 months after the day after IP completion day using a label, wrapping or packaging (bearing the identification mark) owned by the food business operator before IP completion day, and

(ii) the identification mark complied or would have complied with Article 5(1) as it applied immediately before IP completion day.”.

(4) In regulation 4(amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013) in paragraph (2), in the new regulation 15A to be inserted by that paragraph, for “exit day” each time it occurs substitute “ IP completion day ”.

(5) In regulation 5 (amendment of the Honey (Scotland) Regulations 2015) in paragraph 3 after “appropriate—” substitute—

““blends of honeys from more than one country”,

“blend of honeys from (*insert name of a specified continent or trading bloc*)”,

“blend of honeys from outwith (*insert name of a specified continent or trading bloc*)”,

“blend of honeys from (*insert name of a specified country*) and (*other countries*)”,

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**Changes to legislation:** There are currently no known outstanding effects for the The Food and Feed (EU Exit) (Scotland) (Amendment) Regulations 2020, PART 3. (See end of Document for details)

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“blend of honeys from (*insert name of a specified continent or trading bloc*) and outwith (*insert name of a specified continent or trading bloc*)”, or

“blend of honeys from (*insert name of a specified country or specified continent or trading bloc*) and (*other countries*)”.

(6) In Regulation 6 (amendment of the Caseins and Caseinates (Scotland) (No. 2) Regulations 2016) in paragraph (3), in the new regulation 6A to be inserted by that paragraph, for “exit day” each time it occurs substitute “ IP completion day ”.

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**Commencement Information**

**I5** Reg. 9 in force at 31.12.2020 immediately before IP completion day, see reg. 1(2)(a)

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**Marginal Citations**

**M5** [S.S.I. 2019/285](#).

**M6** Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin; relevantly amended by [S.I. 2019/640](#) and [S.I. 2019/1013](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Food and Feed (EU Exit) (Scotland) (Amendment) Regulations 2020, PART 3.