
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 467

The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020

Amendment of the Genetically Modified Animal Feed (Scotland) Regulations 2004

3.—(1) The Genetically Modified Animal Feed (Scotland) Regulations 2004⁽¹⁾ are amended as follows.

- (2) In regulation 2(a) (interpretation), for the definition “enforcement authority” substitute—
““enforcement authority” means Food Standards Scotland;”.
- (3) In regulation 4 (enforcement)—
 - (a) for paragraph (1) substitute—
“(1) The enforcement authority must enforce and execute these Regulations and Chapter III of the Community Regulation.”,
 - (b) for paragraph (2) substitute—
“(2) The enforcement authority may appoint as inspectors such persons as it considers necessary for the purpose of enforcing these Regulations and Chapter III of the Community Regulation.”, and
 - (c) omit paragraph (3).
- (4) After regulation 10 (time limit for prosecutions) insert—

“Delegation by the enforcement authority

11.—(1) Where the enforcement authority may delegate any function under these Regulations, it may delegate the function to any person.

(2) Before delegating, the enforcement authority must consult the person to whom any delegation is to be made.

(3) Where the enforcement authority delegates any function, it must specify the function and the area within which that function is to be performed.

(4) Where the enforcement authority has delegated any of its functions, the enforcement authority may vary, suspend or cancel that delegation, in whole or in part.

(5) The enforcement authority must publish and maintain an up to date register containing the details and operative date of any delegation.

Transitional and savings provisions

12.—(1) The validity, effect or consequences of anything done under these Regulations as they had effect immediately before Food Standards Scotland becomes the enforcement authority is not affected by Food Standards Scotland becoming the enforcement authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Any inspection, investigation or legal proceedings commenced prior to Food Standards Scotland becoming the enforcement authority is not affected by Food Standards Scotland becoming the enforcement authority.

(3) Any inspection, investigation or legal proceeding commenced prior to Food Standards Scotland becoming the enforcement authority may be continued after that date as if the amendments to these Regulations coming into force on that day had not been made.

(4) Any liability to a penalty for an offence committed before Food Standards Scotland becoming the enforcement authority is not affected by Food Standards Scotland becoming the enforcement authority.

(5) Despite Food Standards Scotland becoming the enforcement authority, these Regulations as they had effect before that day continue to have effect for the purposes of investigating any offence referred in paragraph (4).”.