
 STATUTORY INSTRUMENTS

1980 No. 289 (S.25)

FOOD AND DRUGS

COMPOSITION

The Chloroform in Food (Scotland) Regulations 1980

<i>Made - - - -</i>	<i>28th February 1980</i>
<i>Laid before Parliament</i>	<i>12th March 1980</i>
<i>Coming into Operation</i>	<i>1st April 1980</i>

In exercise of the powers conferred on me by sections 4, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Chloroform in Food (Scotland) Regulations 1980, and shall come into operation on 1st April 1980.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly;

“statutory maximum” in relation to a fine on summary conviction, means the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975(b) (which at the making of these regulations was £1,000).

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(3) Any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations.

Exemptions

3.—(1) These regulations shall not apply to—

(a) any food intended for exportation to any place outside the United Kingdom; or

(a) 1956 c. 30; section 4 was amended by the European Communities Act 1972 (c. 68), section 4, and Schedule 4, paragraph 3, section 26(3) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 214(2) and Schedule 27, part II, paragraphs 123, 124.

(b) 1975 c. 21; amended by Schedule 11 to the Criminal Law Act 1977 (c. 45).

- (b) any medicinal product to which the Medicines (Chloroform Prohibition) Order 1979(a) applies.

(2) Until 1st April 1981 these regulations shall not apply to any food prepared before 1st April 1980.

Prohibition of chloroform in food

4. No person shall sell or import into Scotland any food which has in it or on it any added chloroform.

Condemnation of food

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell or import into Scotland, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties

6. If any person contravenes or fails to comply with regulation 4 he shall be guilty of an offence against these regulations and shall be liable—

- (a) on summary conviction to—

a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or both; or

- (b) on conviction on indictment to—

a fine or to imprisonment for a term not exceeding one year, or both.

Enforcement

7. Each regional and islands council shall enforce and execute the provisions of these regulations within their area, but nothing in these regulations shall entitle a regional council to enforce or execute the provisions of section 9 of the Act.

Application of various sections of the Act

8.—(1) Sections 41(2) and (5) (proceedings), 42(1), (2) and (3) (evidence of certificates of analysis), 44 (power of a court to require analysis by the Government Chemist), 46(2) (conditions under which a warranty may be pleaded as a defence) and 47 (offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution, as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
28th February 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations come into operation on 1st April 1980.

The Regulations prohibit the sale and importation of food containing chloroform (regulation 4).

The Regulations do not apply to food intended for export or to products whose chloroform content is controlled by the Medicines (Chloroform Prohibition) Order 1979; until 1st April 1981 the Regulations do not apply to food manufactured before 1st April 1980 (regulation 3).

