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STATUTORY INSTRUMENTS

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**1989 No. 2216 (S.144)**

**FOOD COMPOSITION AND LABELLING**

**The Preservatives in Food (Scotland)  
Amendment Regulations 1989**

<i>Made</i>	- - - -	<i>24th November 1989</i>
<i>Laid before Parliament</i>		<i>6th December 1989</i>
<i>Coming into force</i>	- -	<i>27th December 1989</i>

The Secretary of State in exercise of the powers conferred upon him by sections 4, 56 and 56A of the Food and Drugs (Scotland) Act 1956( **(1)**) and of all other powers enabling him in that behalf, and after consultation in accordance with section 56(6) of the said Act with such organisations as appear to him to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

**Title and commencement**

**1.** These Regulations may be cited as the Preservatives in Food (Scotland) Amendment Regulations 1989 and shall come into force on 27th December 1989.

**Amendment of the Preservatives in Food (Scotland) Regulations 1989**

**2.** Regulation 11(3) of the Preservatives in Food (Scotland) Regulations 1989( **(2)**) shall be revoked and in its place there shall be inserted the following regulation:—

“(3) In any proceedings in respect of the sale or importation before 31st December 1990 of food having in it or on it ethylene oxide contrary to regulation 4, it shall be a defence for the accused to prove that the presence of that substance in or on that food is solely due to the use for pathogen reduction of that food in accordance with the second column of entry C in the Annex to Directive [79/117/EEC](#) of the Council, prohibiting the placing on the market and use of plant protection products containing certain active substances( **(3)**). ”

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- (1) [1956 c. 30](#); section 4(1) was amended by the European Communities Act [1972 \(c. 68\)](#), Schedule 4, paragraph 3(1); section 56 was amended by the Weights and Measures Act [1963 \(c. 31\)](#), Schedule 9, Parts I and II, by the Criminal Justice Act [1982 \(c. 48\)](#), Schedule 15, paragraph 8 and by the Law Reform (Miscellaneous Provisions) (Scotland) Act [1985 \(c. 73\)](#), section 41 and is to be read with section 289GA(2) of the Criminal Procedure (Scotland) Act [1975 \(c. 21\)](#) (inserted by section 66 of the Criminal Justice (Scotland) Act [1987 \(c. 41\)](#)); section 56A was added by the European Communities Act 1972, Schedule 4, paragraph 3(2).
- (2) S.I.1989/581
- (3) OJNo. L33, 8.2.1979, p.36; the relevant amending Directives are [86/355/EEC](#) of the Council-OJ No. L212, 2. 8.86, p.33, and [89/365/EEC](#) of the Council-OJ No. L159, 10.6.89, p.58.

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

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St Andrew's House,  
Edinburgh  
24th November 1989

*Sanderson of Bowden*  
Minister of State, Scottish Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Scotland only, amend the Preservatives in Food (Scotland) Regulations 1989 by extending the date of the availability of the defence to proceedings by one year to 31st December 1990 in respect of the sale or importation of food having in it or on it ethylene oxide where the presence of that substance is due to its use for pathogen reduction (regulation 11(3)). This extension only applies to dried herbs and spices and dried herbs intended exclusively for marketing without further processing as medicinal products, in accordance with the provisions of Council Directive [79/117/EEC](#), as amended by Council Directive [86/355/EEC](#) and Council Directive [89/365/EEC](#).