



Food (Scotland) Act 2015

2015 asp 1

PART 1

FOOD STANDARDS SCOTLAND

Food Standards Scotland

1 Establishment

There is established a body corporate called Food Standards Scotland or, in Gaelic, Inbhe-Bidhe Alba.

2 Objectives

- (1) The objectives of Food Standards Scotland are—
 - (a) to protect the public from risks to health which may arise in connection with the consumption of food,
 - (b) to improve the extent to which members of the public have diets which are conducive to good health,
 - (c) to protect the other interests of consumers in relation to food.
- (2) The risks referred to in subsection (1)(a) include risks caused by the way in which food is produced or supplied.
- (3) Food Standards Scotland must so far as reasonably practicable perform its functions in a way—
 - (a) which is compatible with its objectives, and
 - (b) which it considers most appropriate for the purpose of meeting those objectives.

3 General functions

- (1) The general functions of Food Standards Scotland are—
 - (a) to develop (and assist the Scottish Ministers and public bodies and office-holders to develop) policies in relation to food matters and animal feeding stuffs matters,

Status: This is the original version (as it was originally enacted).

- (b) to advise, inform and assist the Scottish Ministers and public bodies and office-holders and other persons in relation to food matters and animal feeding stuffs matters,
 - (c) to keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters,
 - (d) to keep users of animal feeding stuffs adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about animal feeding stuffs matters, and
 - (e) to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation.
- (2) Food Standards Scotland must so far as reasonably practicable comply with a request by the Scottish Ministers that—
- (a) in pursuance of subsection (1)(a), it develops a policy, or assists the Scottish Ministers or a public body or office-holder to develop a policy, in relation to a particular matter,
 - (b) in pursuance of subsection (1)(b), it gives advice, information or assistance to the Scottish Ministers, a public body or office-holder or another person, in relation to a particular matter,
 - (c) in pursuance of subsection (1)(c), it informs or advises the public in relation to a particular matter,
 - (d) in pursuance of subsection (1)(d), it informs or advises users of animal feeding stuffs in relation to a particular matter.

4 Governance and accountability

- (1) Food Standards Scotland must so far as reasonably practicable operate in a way which—
- (a) is proportionate, transparent and accountable,
 - (b) constitutes good decision-making practice,
 - (c) develops and maintains effective links with the persons mentioned in subsection (3), and
 - (d) is consistent with any other principle of good governance which appears to it to constitute best practice.
- (2) “Good decision-making practice” means—
- (a) consulting people who may be affected by decisions before taking them,
 - (b) having good information on which to take decisions and taking decisions based on that information,
 - (c) recording decisions and the reasons for them, and
 - (d) making decisions and the reasons for them publicly available.
- (3) The persons referred to in subsection (1)(c) are—
- (a) the Scottish Ministers,
 - (b) public bodies and office-holders with functions in relation to food matters or animal feeding stuffs matters.

5 Statement on performance of functions

- (1) Food Standards Scotland must prepare for approval by the Scottish Ministers a statement setting out how it intends to perform its functions.
- (2) The statement must include information on how Food Standards Scotland intends—
 - (a) to meet its objectives, and
 - (b) to operate in accordance with section 4.
- (3) The statement must be submitted to the Scottish Ministers by such time as they may direct.
- (4) The Scottish Ministers may approve the statement with such modifications as they consider appropriate.
- (5) Before approving the statement with modifications the Scottish Ministers must consult Food Standards Scotland.
- (6) As soon as practicable after the statement is approved under subsection (4), Food Standards Scotland must—
 - (a) lay a copy of it before the Scottish Parliament, and
 - (b) publish it (in such manner as Food Standards Scotland considers appropriate).
- (7) Food Standards Scotland—
 - (a) must review the statement from time to time, and
 - (b) may in consequence prepare and submit to the Scottish Ministers a revised statement.
- (8) Subsections (2) and (4) to (7) apply to a revised statement as they apply to the original statement.