



Food (Scotland) Act 2015

2015 asp 1

PART 4

INTERPRETATION

58 General interpretation

(1) In this Act—

“the 1990 Act” means the Food Safety Act 1990,

“the 1999 Act” means the Food Standards Act 1999,

“advertisement” includes—

- (a) any notice, circular, label, wrapper, invoice or other document,
- (b) any public announcement made orally or by any means of producing images or sound,

“article” includes a live fish which is used for human consumption while it is alive, but does not otherwise include a live animal,

“business” includes (except in “agricultural business”)—

- (a) a canteen, club, school, hospital or institution, whether carried on for profit or not,
- (b) an undertaking or activity carried on by a public body or office-holder,

“commercial operation” means—

- (a) in relation to food or contact material—
 - (i) selling, possessing for sale or offering, exposing or advertising for sale,
 - (ii) consigning, delivering or serving by way of sale,
 - (iii) preparing for sale (including packaging) or presenting, labelling or wrapping for the purpose of sale or for purposes connected with sale,
 - (iv) storing or transporting for the purpose of sale,
 - (v) importing or exporting,
- (b) in relation to a food source, deriving food from it for the purpose of sale or purposes connected with sale,

“contact material” means any article or substance which is intended to come into contact with food,

Changes to legislation: There are currently no known outstanding effects for the Food (Scotland) Act 2015, Section 58. (See end of Document for details)

“enforcement authority” means an authority having functions under food legislation in relation to the enforcement of food legislation,

“food business” means any business in the course of which commercial operations with respect to food or food sources are carried out,

“food premises” means any premises used for the purposes of a food business,

“food source” means any growing crop or live animal from which food is intended to be derived (by, for example, harvesting, killing, milking or collecting eggs),

“premises” includes any place, vehicle, stall or moveable structure (and, for this purpose, “vehicle” includes any aircraft or ship, boat or other water-going vessel, other than one of a description specified by the Scottish Ministers by order),

“presentation”, in relation to food, includes the shape, appearance and packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising,

“Regulation (EC) No. 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety,

“sale” has the extended meaning given by section 2 of the 1990 Act (and “selling” is to be construed accordingly),

“substance” includes any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour,

“undischarged bankrupt” means a person—

- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
- (b) who has granted a trust deed for, or made a composition or arrangement with, creditors and has not been discharged in respect of it,
- (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 ^[F1], the Bankruptcy (Scotland) Act 2016] or the Insolvency Act 1986,
- (d) who is the subject of a bankruptcy restrictions undertaking entered into under ^[F2]that Act of 1985 or that Act of 1986],
- (e) who has been adjudged bankrupt and has not been discharged, or
- (f) who is subject to any other kind of arrangement or undertaking, anywhere in the world, which is analogous to those described in paragraphs (a) to (d).

(2) The reference in subsection (1) to preparing for sale is to be construed, in relation to a contact material, as a reference to manufacturing or producing for sale.

(3) Before making an order under subsection (1) (see the definition of “premises”), the Scottish Ministers must—

- (a) have regard to any relevant advice given by Food Standards Scotland, and
- (b) consult such persons as appear to them to be representative of interests likely to be substantially affected by the order.

(4) If it appears to the Scottish Ministers that Food Standards Scotland has consulted any person that the Scottish Ministers are required to consult under subsection (3)(b), the

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Scottish Ministers may treat that consultation as being effective for the purposes of that subsection as if undertaken by them.

Textual Amendments

- F1** Words in s. 58(1) inserted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 28\(a\)](#) (with [ss. 232, 234\(3\), 235, 236](#)); [S.S.I. 2016/294](#), reg. 2
- F2** Words in s. 58(1) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 28\(b\)](#) (with [ss. 232, 234\(3\), 235, 236](#)); [S.S.I. 2016/294](#), reg. 2

Commencement Information

- I1** S. 58 in force at 1.4.2015 by [S.S.I. 2015/99](#), [art. 2](#)

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