
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 180

The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008 and come into force on 31st May 2008.

(2) These Regulations extend to Scotland only.

Amendment of the Food Labelling Regulations 1996

2.—(1) The Food Labelling Regulations 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation), in the definition of Directive 2000/13 for the words “Commission Directive 2005/26/EC” to the end substitute “Commission Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients⁽²⁾”.

(3) In regulation 13(8)(c)(ii) (order of list of ingredients) after “ingredients” insert “referred to in Schedule AA1”.

(4) In regulation 13(8)(c)(iii) omit—

(i) “paragraphs 1 to 11 of”; and

(ii) from the words “other than” to the end.

(5) In regulation 34B(1) and (2)(b) (foods containing allergenic ingredients or ingredients originating from allergenic ingredients) omit “paragraphs 1 to 11 of”.

(6) In regulation 34B(1) for “subject to paragraphs (2) and (3)” substitute “subject to paragraph (2)”.

(7) In regulation 34B(2)(b), omit “subject to paragraph (3)”.

(8) Omit regulation 34B(3).

(9) In regulation 50 (transitional provision), after paragraph (14) insert the following—

“(15) In any proceedings for an offence under regulation 44(1)(a) it shall be a defence to prove that—

(a) the food concerned was sold before 31st May 2009 or marked or labelled before that date; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2(1) to (8), (10)

(1) S.I.1996/1499; relevantly amended by S.I. 1998/1398, 1999/747, 1136 and 1483 and S.S.I. 2000/83, 2002/524, 2003/578, 2004/395 and 472, 2005/456 and 222 and 2007/534.

(2) O.J. No. L 310, 28.11.07, p.11.

and (11) of the Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008⁽³⁾ had not been in force when the food was sold.”.

(10) For the contents of Schedule AA1 (allergenic ingredients) substitute the contents of the Schedule to these Regulations.

(11) Omit Schedule 2A (list of ingredients which originate from allergenic ingredients and in respect of which the allergen labelling requirements do not apply).

Revocations

3.—(1) The Schedule to the Food Labelling Amendment (No. 2) (Scotland) Regulations 2004⁽⁴⁾ is revoked.

(2) The following Regulations are revoked—

- (a) the Food Labelling Amendment (No. 3) (Scotland) Regulations 2005⁽⁵⁾; and
- (b) the Food Labelling (Declaration of Allergens) (Scotland) Regulations 2007⁽⁶⁾.

St Andrew’s House,
Edinburgh
8th May 2008

SHONA ROBISON
Authorised to sign by the Scottish Ministers

⁽³⁾ S.I. 2008/ 180 .
⁽⁴⁾ S.S.I. 2004/472.
⁽⁵⁾ S.S.I. 2005/542.
⁽⁶⁾ S.S.I. 2007/534.