

*Draft Regulations laid before the Scottish Parliament under section 2(2) of the European Communities Act 1972, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**AGRICULTURE**

**The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020**

Made - - - - 2020  
Coming into force in accordance with regulation 1(2)  
and (3)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 68(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970(1), section 2(2) of the European Communities Act 1972(2), section 16(1) of the Food Safety Act 1990(3), section 35(1) and (2) of the Food (Scotland) Act 2015(4), and all other powers enabling them to do so.

There has been consultation as required by section 84(1) of the Agriculture Act 1970 with such persons or organisations appearing to represent the interests concerned and as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(5).

In accordance with section 33(1) of the Interpretation and Legislative Reform (Scotland) Act 2010(6), a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

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- (1) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations” and was relevantly amended by S.I. 2004/3254 and S.S.I. 2010/354. Section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c.68). Section 74A was inserted by paragraph 6 of schedule 4 of the European Communities Act 1972 (c.68) and was amended by S.I. 2011/1043. Section 84 was amended by S.I. 2004/3254.
- (2) 1972 c.68 (“the 1972 Act”). The 1972 Act was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the 2020 Act”), and defines “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), section 3(3) and schedule 1, Part 1. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and amended by Part 1 of the Schedule to the 2008 Act and S.I. 2007/1388. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (3) 1990 c.16. Section 16(1)(da) inserted by Food (Scotland) Act 2015 (asp 1), subsection. 34(1).
- (4) 2015 asp 1.
- (5) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ L 198, 25.7.2019, p.241).
- (6) 2010 asp 10.

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 ISBN 978-0-11-104747-7

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