
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

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

Amendment of the Agriculture Act 1970

- 2.—(1) The Agriculture Act 1970 is amended as follows.
- (2) In section 66(1) (interpretation of Part IV)—
- (a) in the definition of “agricultural analyst” for “section 67” substitute “67A”,
 - (b) omit the definition of “enforcement authority”, and
 - (c) in the definition of “inspector” for “section 67” substitute “67A”.
- (3) Section 67 (enforcement authorities and appointment of inspectors and analysts) is repealed in so far as it applies to Scotland.
- (4) After section 67 insert—

“Enforcement authorities and appointment of inspectors and analysts in Scotland

67A.—(1) Food Standards Scotland must enforce this Part of this Act in so far as it relates to feeding stuff.

(2) For the purposes of performing its duty under the provisions of this Part of this Act, Food Standards Scotland must appoint—

- (a) an agricultural analyst, and if it thinks fit, one or more deputy analysts, and
- (b) such inspectors as may be necessary.

(3) Every council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁾ must enforce this Part of this Act within their area in so far as it relates to fertiliser.

(4) For the purposes of performing its duty under the provisions of this Part of this Act, a council must appoint—

- (a) an agricultural analyst, and if it thinks fit, one or more deputy analysts, and
- (b) such inspectors as may be necessary.

(5) In so far as it applies to fertiliser, a person may be appointed as an inspector or as agricultural analyst or deputy agricultural analyst for the areas of two or more councils by those councils acting jointly.

(6) In so far as it applies to fertiliser if the Scottish Ministers are of opinion that this Part of this Act has been insufficiently enforced in the area of any council the Scottish Ministers may appoint one or more inspectors to exercise in that area the powers exercisable by inspectors appointed by the council, and any expenses certified by the Scottish Ministers as having been incurred by the Scottish Ministers under this subsection in respect of that area must be repaid to the Scottish Ministers, on demand, by the council in question.

(1) 1994 asp c.19.

(7) A person must not be appointed as agricultural analyst or deputy agricultural analyst unless that person has the prescribed qualifications.

(8) Nothing in this section shall be taken as authorising Food Standards Scotland or any council to institute proceedings for an offence.”.

(5) After section 72 insert—

“Delegation by Food Standards Scotland

72A.—(1) Where Food Standards Scotland may delegate any function under this Part of this Act, it may delegate the function to any person.

(2) Before delegating, Food Standards Scotland must consult the person to whom any delegation is to be made.

(3) Where Food Standards Scotland delegates any function, it must specify the function and the area within which that function is to be performed.

(4) Where Food Standards Scotland has delegated any function, Food Standards Scotland may vary, suspend or cancel that delegation, in whole or in part.

(5) Food Standards Scotland must publish and maintain an up to date register containing the details and operative date of any delegation.”.

(6) In section 76(5), at the end insert “or Food Standards Scotland (as the case may be)”.

(7) In section 79(5) (supplementary provisions relating to samples and analysis) for “67(3)(b)” substitute “67A(2)(a) or (4)(a)”.