
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 524

**The Plastic Materials and Articles in Contact with
Food Amendment (Scotland) Regulations 2004**

Amendments to the Plastic Materials and Articles in Contact with Food Regulations 1998

5. In regulation 10 (offences)–

- (a) in paragraph (16)(b) for “(17)” substitute “(18)”;
- (b) for paragraph (19) substitute–

“(19) In any proceedings for an offence under regulation 3(1)(a) or (b) in relation to the requisite standards referable to adhesives and materials and articles covered by a surface coating, it shall be a defence to prove that–

- (a) the adhesive, material or article was brought into contact with the food on or before 28th February 2003;
 - (b) (i) the date of filling appears, or
(ii) a coded indication of that date appears,
on the adhesive, material or article; and
 - (c) the labelling or marking of which at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive [2000/13/EC](#) of the European Parliament and of the Council.”;
- (c) delete paragraph (20); and
- (d) immediately after paragraph (22) insert–

“(23) In any proceedings for an offence under regulation 3(1)(a) or (b) in relation to the use as from 2 August 2005, of a plastic material or article containing azodicarbonamide with reference number 36640 listed at item 27A in Part I of Schedule 2, it shall be a defence to prove that–

- (a) the date of filling (or a coded indication of the date of filling) of the material or article concerned appeared on the material or article at the time of sale and was before 2nd August 2005; and
 - (b) the labelling or marking of which at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive [2000/13/EC](#) of the European Parliament and the Council.
- (24) The date signified by a coded indication referred to in paragraphs 19(b) and (23) (a) of this regulation shall be made available on request to the Food Standards Agency and the enforcement authority.”.