

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2008 No. 395**

**FOOD**

**The Eggs and Chicks (Scotland) (No. 2) Regulations 2008**

*Made* - - - - 26th November 2008  
*Laid before the Scottish  
Parliament* - - - - 27th November 2008  
*Coming into force* - - 19th December 2008

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 <sup>M1</sup>, and by sections 6(4), 16(1), 17, 26(2) and (3) and 48(1) of the Food Safety Act 1990 <sup>M2</sup>, and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act, and it appears to the Scottish Ministers that it is expedient for the references in regulation 2(1) of these Regulations to certain Community instruments to be references to those instruments as amended from time to time.

To the extent that these Regulations are made in exercise of powers under the 1990 Act, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) <sup>M3</sup> of that Act.

The Scottish Ministers have carried out consultation 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 <sup>M4</sup>.

**Marginal Citations**

**M1** 1972 c. 68 (“the 1972 Act”). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c. 46) (“the 1998 Act”), and section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) (“the 2006 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The powers in section 2(2) of the 1972 Act are exercised as regards the whole or part of regulations 1, 2(1), (2) and (4), 3(1)(a) and (2)(a), 4, 5, 6, 13, 14, 15(3)(a), 16, 18, 19, 20, 21, 22, Schedule 1 and paragraphs 4 and 5 of Schedule 3 of this instrument. The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act, and so far as exercisable in or as regards Scotland in relation to food (including drink) including the primary production of food, are exercisable by the Scottish Ministers concurrently with the Minister of the

Crown by virtue of article 3 of the [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#).

- M2** [1990 c. 16](#) (“the 1990 Act”). Section 1(1) and (2) (definition of “food”) was substituted by [S.I. 2004/2990](#). Section 6(4) was amended by paragraph 6 of Schedule 9 to the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), and by paragraph 10(3) of Schedule 5 to the [Food Standards Act 1999 \(c. 28\)](#) (“the 1999 Act”). Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 was amended by paragraphs 7, 8 and 12(a) and (b) of Schedule 5 to the 1999 Act. Section 26(3) was repealed in part by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. The requirement on the Scottish Ministers under section 48(4) to consult with such organisations as appear to them to be representative of interests likely to be substantially affected by this instrument is disapplied by virtue of section 48(4C), as inserted by [S.I. 2004/2990](#), as consultation is required in respect of this instrument by Article 9 of Regulation (EC) No. 178/2002. The amendments to the 1990 Act made by Schedule 5 to the 1999 Act which extend to Scotland are to be taken as a pre-commencement enactment for the purposes of the 1998 Act by section 40(2) of the 1999 Act. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The functions conferred on a Minister of the Crown under sections 6(4), 16, 17, 26 and 48 of the 1990 Act were transferred to the Scottish Ministers by the [Scotland Act \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#) but only in so far as not transferred by section 53 of the 1998 Act.
- M3** [Section 48\(4A\)](#) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.
- M4** O.J. No. L 31, 1.2.2002, p.1. The Regulation has been amended by Commission Regulation (EC) 1642/2003 (O.J. No. L 245, 29.9.2003, p.4) and Commission Regulation (EC) 575/2006 (O.J. No. L 100, 8.4.2006, p.3).

**Changes to legislation:**

There are currently no known outstanding effects for the The Eggs and Chicks (Scotland) (No. 2) Regulations 2008, Introductory Text.